

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JANUARY 18, 2007

Members Present: William Derrer, **Chairman** John Kurzman
Chief Virgil Fernandez Juan Dalla Rizza, P.E.
Alfonso Fernandez-Fraga Myron Rosner
Carmen Garcia Enrique Salvador
Jesus M. Gomez Thomas Utterback, **Sergeant at Arms**
Edward Woodward

Members Excused: Robert Barnes
Rolando Diaz., P.E.
Richard Horton, **Vice Chairman**
Gregory Pierce

Staff Present: Michael Goolsby, Acting Secretary to the Board
Erica Zaron, Assistant County Attorney
Yvonne Bell, Board Recording Secretary
Nelly Nieves, Board Recording Secretary

Court Reporter: Lorena Ramos - Metro Dade Court Reporters

The meeting commenced at 1:15 P.M.

The Chairman welcomed to the Board the newly appointed Assistant County Attorney Erica Zaron.

MINUTES OF DECEMBER 14, 2006

The acceptance of the minutes for the December 14, 2006 meeting did not take place.
(The minutes will be placed on the February 15, 2007 meeting agenda for approval.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Master Excavators, Inc., 9950 S.W. 168 Terrace, FS 553.501, Accessibility

Mr. Derrer informed the Board that this appeal was **withdrawn** and referred them to the November 21, 2006, letter from appellant's attorney Mr. Gary B. Goldman.
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of North Bay Village, Grand View Palace Condominium, 7601 East Treasure Drive, Installation of Doors and Panels

Mr. Derrer informed the Board that this appeal was **deferred** to the next scheduled meeting and referred them to the December 11, 2006, letter from appellant's attorney, Madelyn Simon Lozano.
(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES AND APPEALS
Minutes of the Meeting of January 18, 2007

(Continued...)

COUNTYWIDE COMPLIANCE REVIEW BOARD APPEAL: Guidelines for Waterproofing of Plaza Decks, Terraces and Parking Garage Decks – Robert Fine for TRG-Desert Inn Venture, Ltd., Sunnys Isles V, Ltd., TRG Sunnys Isles VII, Ltd., TRG-Alaska I, Ltd

Attorney Robert Fine began by stating that the Board is not hearing this particular matter today as the Board of Rules and Appeals but as the Countywide Compliance Review Board referenced in Florida Statute Section 553.73 (4)(b). He indicated that the Review Board's purpose is to review technical limits of the Florida Building Code as to whether or not they have been properly adopted and meet the appropriate requirements.

Assistant County Attorney Erica Zaron then advised that the Board had no jurisdiction on this matter under the referenced statute, as there had been no demonstration that a local technical amendment was adopted by the Commission. However, Ms. Zaron stated that they should allow the speakers to present their jurisdictional argument.

Mr. Fine indicated that he intended to show through information and witnesses, namely Jose Suarez, Mark Mosbat, Mehdi Ashraf and Michael Goolsby, that the guidelines were a local technical amendment to the Building Code, which they are challenging through this appeal.

Assistant County Attorney Hugo Benitez was present and was asked by Thomas Utterback whether this matter was properly before them. Mr. Benitez indicated that the Board had no jurisdiction to consider the item in the manner in which the appeal was being presented. Mr. Benitez indicated, however, that what is important is to clarify what was intended by the Board in 2002; to provide the Waterproofing Guidelines as recommendations or were the guidelines intended as mandatory.

Mr. Fine stated that, although the document is referred to as Waterproofing Guidelines, Building Officials are considering them as mandatory and supported his statement with emails from Miami Beach and City of Miami. Further, Mr. Fine made reference to the April 25, 2002 minutes of the Board of Rules and Appeals wherein it is summarized that waterproofing guidelines would be a local technical amendment to the Florida Building Code. Mr. Fine then questioned Mr. Goolsby, under oath, as to his statements and the presentation at the referenced Board meeting regarding the Waterproofing Guidelines.

Mr. Goolsby provided the Board with evidence that the Miami Beach Building Department considers the Waterproofing Guidelines to be advisory only. Further, Mr. Goolsby provided each Board member with the published guidelines for waterproofing that Miami Beach has developed. Mr. Goolsby made the point that the Miami Beach guidelines differ from the BORA Waterproofing Guidelines, indicating that the BORA guidelines were not considered mandatory. Mr. Goolsby indicated that the presentation of the guidelines were as recommendations and not mandatory on Building Officials.

After further discussion and deliberation, a motion was made by Mr. Utterback to clarify that the existing Waterproofing Guidelines provided were not mandatory but advisory in nature. The motion was seconded by Mr. Gomez.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Kurzman moved to request that the County Attorney and staff report back on the technical amendment process and the feasibility of enacting provisions retroactively in the Code. The request was seconded by Mr. Fernandez.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT: Certification Subcommittee Report for January 2007

Jorge Gamoneda, Code Compliance Specialist, directed the members to the Inspector Tracking Report – Applicant's Status 2007 Annual Report and informed the members that those individuals listed are recommended for **approval** for **Re-Certification for 2007**. A motion was made by Enrique Salvador and seconded by John Kurzman to accept the Re-Certification list for January 2007.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES AND APPEALS
Minutes of the Meeting of January 18, 2007

(Continued...)

Enrique Salvador indicated that the following individuals are being recommended for **approval** for **New Certification** for 2007, including, at the request of Mr. Gamoneda as add-ons, **Jose Pino, Ingelmo Paul and Gustavo Arnavat**.

INSPECTOR:

Brito, Danilo J.

Caicedo, Santana
 Castrodad, Eladio
 Cronin, John C.
 Diaz, Guillermo

Dieguez, Ernesto
 Garcell, Joseph E.

Guerra, Roberto D.

Hart, John H.
 Mantilla, Evelio

McCann, Richard J.

Melegari, David G.
 Mesa, Michel
 Monzo, Rafael E.

Prieto, Frank
 Ramos, Aurelio

Rodriguez, Jorge M.

Tarafa, Rene F.

Wagoner, Peter R.
 Willis, Henry L.

Zarli-McDonough, Christine D.

REPRESENTING:

City of Doral

Miami-Dade County
 City of Sweetwater
 City of North Bay Village
 City of Hialeah

Miami-Dade County
 Village of Palmetto Bay

City of North Miami

City of Sunny Isles Beach
 City of Miami

City of Miami Beach

City of Sunny Isles Beach
 City of Doral
 City of Florida City

City of Opa Locka

Town of Miami Lakes
 City of Sweetwater
 City of Miami Gardens

Miami Shores Village

City of Aventura

City of Aventura
 Town of Cutler Bay

Village of Palmetto Bay

Miami-Dade County

DISCIPLINES:

Plans Examiner Plumbing
 Plumbing Inspector
 Electrical Inspector
 Building Inspector (Structural)
 Plans Examiner Plumbing
 Plans Examiner Building
 Roofing Inspector (Commercial)
 Plans Examiner Electrical
 Building Inspector (Structural)
 Roofing inspector (Commercial)
 Roofing Inspector (Residential)
 Building Inspector (Structural)
 Roofing Inspector (Residential)
 Plans Examiner Building
 Roofing Inspector (Commercial)
 Roofing Inspector (Residential)
 Roofing Inspector (Commercial)
 Roofing Inspector (Residential)
 Mechanical Inspector
 Building Inspector (Structural)
 Electrical Inspector
 Plans Examiner Electrical
 Electrical Inspector
 Plans Examiner Electrical
 Plans Examiner Electrical
 Building Inspector (Structural)
 Building Inspector (Structural)
 Plans Examiner Building
 Roofing Inspector (Commercial)
 Roofing Inspector (Residential)
 Building Inspector (Structural)
 Plans Examiner Building
 Building Inspector (Structural)
 Roofing Inspector (Commercial)
 Roofing Inspector (Residential)
 Building Inspector (Structural)
 Roofing Inspector (Commercial)
 Roofing Inspector (Residential)
 Roofing Inspector (Commercial)
 Roofing Inspector (Residential)
 Plans Examiner Building

Mr. Gamoneda informed the Board members of the withdrawal of **Michel Pena** from certification. His certification was based on a provisional, however, the State of Florida has denied his application for examination.

A motion was made by Enrique Salvador and seconded by Edward Woodward to accept the **New Certification** list for **January 2007**.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES AND APPEALS
Minutes of the Meeting of January 18, 2007

(Continued...)

Mr. Salvador stated the following individuals are being recommended for **Rejection** for **New Certification** for 2007.

INSPECTOR:

REPRESENTING:

DISCIPLINES:

Castrodad, Eladio

City of Sweetwater

Plans Examiner Building

(Applicant does not have the minimum 5 years experience with the P.E. license required in Miami-Dade County Code, Chapter 8, Section 8-21(1) "A Florida Registered Professional Engineer having practiced within the area of jurisdiction of this Chapter for at least five years.")

Garcell, Joseph E.

Village of Palmetto Bay

Plans Examiner Building

(Applicant does not possess a valid certificate issued by the State of Florida Building Code Administrators and Inspector Board in the category sought, as required by Section 8-21.5(a)(10) of the Code of Miami-Dade County.)

INSPECTOR:

REPRESENTING:

DISCIPLINES:

Mantilla, Evelio

City of Miami

Building Inspector (Structural)

Plans Examiner Building

(Applicant can not perform the duties of a Building Inspector or Building Plans Examiner with a Provisional License for the city as an outside contract employee; must be directly employed by the City of Miami (State Statute 468).

Prieto, Frank

City of Sweetwater

Plans Examiner Building

(Applicant does not have the minimum 5 years experience with the P.E. license required in Miami-Dade County Code, Chapter 8, Section 8-21(1) "A Florida Registered Professional Engineer having practiced within the area of jurisdiction of this Chapter for at least five years.")

Willis, Henry

Town of Cutler Bay

Building Inspector (Structural)

Plans Examiner Building

Village of Palmetto Bay

Building Inspector (Structural)

Plans Examiner Building

(Applicant needs to provide a Miami-Dade County Board of Rules and Appeals Certification Application Form fully completed. At present, Mr. Willis is not certified in any municipality).

A motion was made by John Kurzman and seconded by Enrique Salvador to accept the **Rejection** for **New Certification** list for **January 2007**.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

There being no further business, the meeting was adjourned at 2:25 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF FEBRUARY 15, 2007

Members Present: Robert Barnes
William Derrer, **Chairman**
Rolando Diaz., P.E.
Alfonso Fernandez-Fraga
Jesus M. Gomez
Richard Horton, **Vice Chairman**
John Kurzman
Juan Dalla Rizza, P.E.
Myron Rosner
Enrique Salvador
Thomas Utterback, **Sergeant at Arms**
Edward Woodward

Members Excused: Chief Virgil Fernandez
Carmen Garcia
Gregory Pierce

Staff Present: Michael Goolsby, Acting Secretary to the Board
Erica Zaron, Assistant County Attorney
Yvonne Bell, Board Recording Secretary
Nelly Nieves, Board Recording Secretary

Court Reporter: Janet Taylor-Brown - Metro Dade Court Reporters

The meeting commenced at 1:14 P.M.

MINUTES OF DECEMBER 14, 2006 and FEBRUARY 15, 2007

Mr. Derrer requested a motion to **approve** the minutes of the **December 14, 2006** and **February 15, 2007** meetings. A motion was made by Enrique Salvador and to accept the minutes of December 14, 2006 and February 15, 2007 meetings. Thomas Utterback seconded the motion.

The **motion carried unanimously.**

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Aventura, 20301 W. Country Club, #526, Installation of Railing/Sunshades

Mariano Fernandez, Building Official of the City of Aventura, addressed the Board indicating that structural problems with slab would occur if the sunshade is reinstalled after its removal to effectuate required balcony concrete repairs. Further, he indicated that the referenced sunshade does not have a product control approval and does not comply with the present FBC.

David Rodell, representing the Condo Association, stated this is a multi-million dollar concrete restoration and they would like to see the Building Official's decision upheld.

Pearl Rolnick, as the Appellant, presented photographs to the Board members and informed them that this was not a sunshade but a roll-up shutter. She requested that she be allowed to reinstall the same system.

Youssef Hachem, structural engineer on behalf of the Condo Association, advised the Board member this is a sunshade and does not serve as hurricane protection nor does it have a product Notice of Approval.

A motion to grant the appeal was made by Rolando Diaz and then seconded by Richard Horton. Therefore, the reinstallation of the sunshade would be allowed.

Motion carried by a vote of 9 to 3. The motion was opposed by Juan Dalla Rizza, John Kurzman and Myron Rosner.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, Eurossuites, 1700 N.W. 107th Avenue, Permit No. 2006121526, A/C Handlers/FBC Section 306.1

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Jorge Porro, ESI Consulting Engineers addressed the Board and advised that the Eurosuites complex is a Condo/Hotel and the self-contained air conditioning package units are to be housed in the closet of the units. Those units will be maintained by a Property Manager contract with a Mechanical Contractor. Further, Mr. Porro stated the purpose of this type of unit is so that owners of the suites would not have to maintain their air conditioning system nor undergo the inconvenience of down time. The concept behind this type of unit is that, because it is self-contained, when it malfunctions the unit can be easily removed and replaced with a working unit while the disconnected unit is worked on. The work permit would be a facility permit.

Friedrich Air Conditioning's Matt Brophy, the manufacturer of these units, informed the Board about the history of how these units developed and became popular. Mr. Brophy explained that the disconnect feature of the unit.

Harold Schorendorf, Miami-Dade County Building Department Mechanical Director, addressed the Board indicating that this unit must be removed to be serviced, which does not comply with the Code. It is a top discharge and is all concealed.

Pete Quintela, Building Code Compliance Mechanical Specialist, made a power-point presentation to the Board as staff's opinion on subject. In his presentation Mr. Quintela went from showing the unit in the closet to illustrating the various components and the disconnect process. Mr. Quintela then focused on FBC Section 306.1 in support of the Building Official's decision to deny this project permit.

After discussion and deliberation, a motion was made by Alfonso Fernandez-Fraga and seconded by Edward Woodward to grant the appeal.

Motion carried by a vote of 9-3. (The motion was opposed by Enrique Salvador, Myron Rosner and Jesus Gomez.)
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #3: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, SDG Dadeland Associates Inc., Permit Requirements

Mr. Derrer informed the Board that, at the request of the appellant, this item was **deferred** to the next scheduled meeting of March 15, 2007 and referred them to letter from the appellant's attorney Robert Fine.

APPEAL #4: APPEAL OF BUILDING OFFICIAL: Indian Creek Village, Penguin Estates, LLC., Double Permit Fee

Mr. Derrer informed the Board that, at the request of the appellant, this item was **deferred** to the next scheduled meeting of March 15, 2007 and referred them to letter from the appellant's attorney Robert Fine.

APPEAL #5: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, Gold Coast Railroad Museum, Permit # 2004128902, One-Time Product Approval/Doors

John Harrison, Harrison Construction, addressed the Board and advised that they were the general contractor hired after Hurricane Andrew for the reconstruction of the Gold Coast Railroad Museum on the site of the Metro Zoo. He indicated that FEMA was providing most of the funding and it was their determination to have roll-down doors. The issue is whether six 27' wide roll-up doors comply with the one-time product approval issued by Miami Dade County in June 2003 because modifications were made during the field installation. Mr. Harrison requested that the doors be accepted-as-is because calculations demonstrate that they will perform.

Flavio Gomez, Miami Dade Building Department, stated this issue would fall under the review of the Product Control Section of the Building Code Compliance Office and not with Building Department. Further Mr. Gomez informed the Members that this dates construction dates back to 1999 under the Parks and Recreation Department. He indicated that the Building Department has been trying to close out this permit.

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Jaime Gascon, Chief of Product Control Division, addressed this item stating what is needed is some sort of verification/drawing to review so that the Office may consider acceptance.

After some discussion and deliberation, a motion was made by Rolando Diaz and seconded by Thomas Utterback to grant a 90-day continuance for this submission and review to take place to then be reconsidered for the May 2007 board meeting.

The **motion carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #6: APPEAL OF BUILDING OFFICIAL: City of Miami, 561 S.W. 2 Street, Permit # 04-5009327, Installation of Sprinkler System, FBC 903.6

APPEAL #7: APPEAL OF BUILDING OFFICIAL: City of Miami, 629 S.W. 2 Street, Permit # 04-5009326, Installation of Sprinkler System, FBC 903.6

This appeal is identical to **Appeal # 7** but represents the other building location; however, they are exactly the same. Therefore, these appeals were consolidated and the ruling will apply to both.

Appellant Francisco Cambeyro is appealing the Building Official's request to install automatic sprinkler system on the buildings being constructed. Mr. Cambeyro informed the Board that these buildings were permitted in first half of 2004 and the request is based on 2005 Code, which does not apply. Mr. Cambeyro read 2001 FBC Section 903.5. Additionally, he referred to Section 903.6, which references enclosed garage and indicated the parking garage is fully open because these buildings built on top of columns followed by two stories with five apartments in each story.

Jose Ferras, Building Official for the City of Miami, addressed the Board stating the building permit had the sprinkler system included as mandatory based on the Code and this remains to be our position. He indicated that they were asking to revise the plans in order to remove the sprinkler system because they are now interpreting the Code differently.

Kevin Carrier, Code Compliance Fire Specialist addressed the Board on this item stating the staff's opinion is based on the 2004 Code, however, the 2001 Code was basically the same. Mr. Carrier referenced FBC 2001 Section 903.8. Further, he stated that NFPA 1 out of the 2000 Edition, Chapter 7-3.2.13.1 which was in effect at that time, mandates that all new apartment buildings shall be protected by an automatic sprinkler system with an exception of an exist door opening directly to the street which does not apply here.

After some discussion and deliberation, a motion was made Rolando Diaz to deny these appeals and uphold the Building Officials request for automatic sprinkler system. The motion was seconded by Mr. Horton.

The **motion carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEAL

TCO EXTENSION, PERMIT No. 025018491, Whiteman

A motion was made by Enrique Salvador and seconded by Rolando Diaz to accept the Building Official's recommendation for a 90-day extension.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

DISCUSSION

COUNTYWIDE COMPLIANCE REVIEW BOARD APPEAL: Guidelines for Waterproofing of Plazas Decks, Terraces and Parking Garage Decks – Robert Fine for TRG-Desert Inn Venture, Ltd., Sunny Isles V, Ltd., TRG Sunny Isles VII, Ltd., TRG-Alaska I, Ltd

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(Continued...)

Attorney Robert Fine began by stating this is a continuation of the matter heard last month before the Board regarding the approved Waterproofing Guidelines. Mr. Fine stated the outcome of that meeting but indicated had not seen a ruling on this matter.

Mr. Goolsby informed the Board that a memo dated January 31, 2007 had gone out and presented Mr. Fine with a copy. Additionally, Mr. Goolsby suggested a review of the transcript of the meeting of April 25, 2002, to confirm that the on the subject of waterproofing these were recommended guidelines and not a technical amendment to the Code. Additionally, Mr. Goolsby stated the need to revise minutes of April 25, 2002 and strike the sentence "Further added that this item is a local technical amendment to the FBC which should also be accessible to the internet." Mr. Goolsby stated there was a misunderstanding on the part of the recording secretary because during the course of the waterproofing discussion Mr. Pierce asked a question referring to a previous meeting regarding TAS106 and Mr. Goolsby responded to him by stating "any modification of that would require a technical amendment" and that caused the confusion. A motion was made by Richard Horton modify the April 25, 2002 minutes and delete the aforementioned sections. Thomas Utterback seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Further, Mr. Goolsby gave a brief history on why this whole issue of waterproofing as opposed to roofing systems all came about and consequently resulted in the waterproofing guidelines.

Mr. Fine raised the issue of balconies as it relates to waterproofing.

Mr. Goolsby read portions of the FBC Commentary in response. After some discussion, it was determined that further work on the issue of waterproofing was needed to clarify it in the Code.

Mr. Fine asked about staff's report as to whether or not going the County Commission could retroactively adopt the waterproofing guidelines as technical amendments.

Mr. Goolsby responded by stating that staff contacted the Department of Community Affairs, the staff from the Florida Building Commission and informed that such action would be illegal.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for February 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval** for **Re-Certification** for **2007**.

INSPECTOR:

Menendez, Tomas F.

Perez, Jan Pierre

Tarafa, Rene F.

REPRESENTING:

Village of El Portal

Village of Palmetto Bay

Village of El Portal

Village of Pinecrest

DISCIPLINES:

Electrical Inspector

Plans Examiner Electrical

Chief Electrical Inspector

Chief Mechanical Inspector

Mechanical Inspector

Plans Examiner Mechanical

Building Inspector (Structural)

Plans Examiner Building

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Jorge Gamoneda informed the members to **add Peter Iglesias** representing South Miami, as Plans Examiner Structural Inspector for **Re-Certification**.

A motion was made by Salvador Enrique and seconded by Myron Rosner to **accept** the **Re-Certification** list for **February 2007**.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES AND APPEALS
Minutes of the Meeting of February 15, 2007
(Continued...)

Enrique Salvador indicated that the following individuals are being recommended for **approval** for **New Certification** for 2007:

INSPECTOR:

Basulto, Juan C.
Cline, Jr., Wiley R.
Gutkin, Leonard
Guzman, Enrique I.
Hernandez, Orlando R.
Lipton, Mitch

REPRESENTING:

Miami-Dade County
City of Homestead
Village of Key Biscayne
Village of Key Biscayne
City of Aventura
City of Miami Gardens

DISCIPLINES:

Mechanical Inspector
Chief Plumbing Inspector
Electrical Inspector
Chief Electrical Inspector
Mechanical Inspector
Building Inspector (Structural)
Chief Building Inspector
Plans Examiner Building
Electrical Inspector
Plans Examiner Electrical
Electrical Inspector
Plans Examiner Electrical
Electrical Inspector
Building Inspector (Structural)
Plans Examiner Building

Núñez, Gregorio R.

City of Hialeah

Palmer, Lyle A.

City of Sunny Isles Beach

Tanquero, Amado
Willis, Henry L.

Miami-Dade County
Village of Palmetto Bay

Jorge Gamoneda informed the members to **add** Palmetto Bay representation for **Orlando Hernandez**, Mechanical Inspector as a **New Certification**.

A motion was made by Salvador Enrique and seconded by Myron Rosner to **accept** the **Certification** list for **February 2007**.
Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript,)

Enrique Salvador indicated that the following individuals are being recommended for **Rejection** for **New Certification** for 2007:

INSPECTOR:

Lipton, Mitch

REPRESENTING:

City of Miami Gardens

DISCIPLINES:

Roofing Inspector (Commercial)
Roofing Inspector (Residential)

(Applicant does not possess the requisite licensure as required by Section 8-21.2(g) and (h) of the Code of Miami-Dade County for Commercial or Residential Roofing Inspector)

Willis, Henry L.

Town of Cutler Bay

Building Inspector (Structural)
Plans Examiner Building

(Applicant needs to provide a Miami-Dade County Board of Rules and Appeals Certification Application Form fully completed. At present Mr. Willis is not certified in any municipality.)

A motion was made by Salvador Enrique and seconded by Myron Rosner to **accept** the **Rejection** for **New Certification** list for **February 2007**.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript,)

REPORT # 2: Report on Technical Amendments and Guidelines for Waterproofing Plazas Decks, Terraces and Parking Garages (Item initially heard at the February 15, 2007 meeting)

This item covered under "Discussion".

There being no further business, the meeting was adjourned at 3:05 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF MARCH 15, 2007

Members Present:	William Derrer, Chairman Alfonso Fernandez-Fraga Juan Dalla Rizza, P.E. Carmen Garcia Chief Virgil Fernandez Jesus M. Gomez John Kurzman	Richard Horton, Vice Chairman Thomas Utterback, Sergeant at Arms Edward Woodward Enrique Salvador Robert Barnes Myron Rosner
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Members Excused:	Rolando Diaz., P.E.	Gregory Pierce
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Staff Present: Herminio F. Gonzalez, Secretary to the Board
Erica Zaron, Assistant County Attorney
Yvonne Bell, Board Recording Secretary

Court Reporter: Janett Taylor-Brown - Metro Dade Court Reporters

The meeting commenced at 1:07 P.M.

MINUTES OF FEBRUARY 15, 2007

Mr. Derrer requested a motion to **approve** the minutes of the **February 15, 2007** meetings. A motion was made by John Kurzman to accept the minutes of February 15, 2007 meetings. Mr. Edward Woodward seconded the motion. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD VACANCY DISCUSSION:

Mr. Derrer advised the members that he would like to take this opportunity to address the vacancies for the Board of Rules and Appeals. He commented that at the present there are four vacancies in the member categories of Fire Service, Structural Engineer, Non-Professional Homeowner's Association and South Florida Building Trades Council. Mr. Derrer was pleased to advise that to his knowledge, some of these positions are in the process of being filled.

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, SDG Dadeland Associates Inc., Permit Requirements

Mr. Derrer informed the Board that, at the request of the appellant, this item was **withdrawn** from the meeting today. He referred them to a letter from the appellant's attorney Robert Fine.

TCO/TCC APPEALS

#1 - TCO EXTENSION, PERMIT No. 03020193, St. Thomas Episcopal Church, Tobin

Linda Johnson was present on behalf of St. Thomas Episcopal Church.

A motion was made by John Kurzman and seconded by Enrique Salvador to accept the Building Official's recommendation for a 90-day TCO extension. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 - TCO EXTENSION, PERMIT No. 2002109075, Miami International Airport, Gonzalez

Gary Abernathy, Construction Manager was present on behalf of this property.

A motion was made by Enrique Salvador and seconded by Edward Woodward to a 90-day TCO extension from today. The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

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(Continued...)

#3 - TCO EXTENSION, PERMIT No. 01-5022470, Carnival Center for the Performing Arts, Vazquez

Jesus Vazquez was present on behalf of the Carnival Center for the Performing Arts.

A motion was made by Richard Horton and seconded by Edward Woodward to grant a 90-day TCO extension from today.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#4 - TCO EXTENSION, PERMIT No. BCO02135, BCO02136 and BCO3158, New Florida Properties, Besu

Suzanne Besu was present on behalf of New Florida Properties and advised the members that the developer has settled with the Association and they needed a TCO extension from April 2, 2007.

A motion was made by Enrique Salvador and seconded by John Kurzman to grant the extension from April 2, 2007.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for March 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval** for **Re-Certification** for **2007**.

INSPECTOR:

Anderson, Beverly W.

Figueroa, Leonardo
Hill, James D.
Naumann, Carlos A.

Price, Joseph W.
Quintana, Osiris

Scull, Ignacio G.
Willis, Henry L.

REPRESENTING:

City of Miami Gardens

Miami-Dade County
City of Sunny Isles Beach
Village of Biscayne Park
Town of Medley
Miami-Dade County
City of Miami Gardens

City of Miami Gardens
Town of Cutler Bay

DISCIPLINES:

Building Inspector (Structural)
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Building Inspector (Structural)
Chief Building Inspector
Plans Examiner Structural
Plans Examiner Structural
Mechanical Inspector
Plans Examiner Building
Plans Examiner Structural
Building Inspector (Structural)
Building Inspector (Structural)
Plans Examiner Building

A motion was made by John Kurzman and seconded by Chief Fernandez to **accept** the **Re-Certification** list for **March 2007**.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then remarked that the following individual is being recommended for **Rejection** for **New Certification** for **2007**.

INSPECTOR:

Scull, Ignacio G.

(Applicant does not meet the experience requirement for Residential Roofing Inspector as per Miami-Dade County Code, Chapter 8, Article 2, Section 8-21.2 (h) (aa) (dd))

REPRESENTING:

City of Miami Gardens

DISCIPLINES:

Roofing Inspector (Residential)

A motion was made by Mr. Salvador and seconded by John Kurzman to **accept** the **rejection** for Ignacio Scull.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES AND APPEALS
Minutes of the Meeting of March 15, 2007
(Continued...)

DISCUSSION: Temporary Certificate of Occupancy (TCO) and Temporary Certificate of Completion (TCC) Requests

Mr. Enrique Salvador raised concerns regarding TCO and TCC requests that come before the Board of Rules and Appeals and inquired about the average length of time being requested to finalize completion on the property.

Mr. Richard McConahie, City of Miami Beach, explained that the prior Building Official allowed the TCO's to be extended when then the building is substantially complete. He advised the members that the City of Miami is now limiting the extension timeframe that are recommended or approved.

Mr. John Kurzman asked about the properties not being on the tax roll and the owner operating without paying the appropriate costs within that jurisdiction.

Mr. Jose Ferras, City of Miami, Building Official commented that he is experiencing the same problem within his jurisdiction and responded to Mr. Kurzman's question. He remarked that until a CO is obtained, the owner is only paying taxes on the land.

Mr. Derrer inquired about the consequences if the Board were to deny the request for TCO extension.

Mr. McConahie replied that the property would not be able to be occupied until the Certificate of Occupancy was obtained.

DISCUSSION: Chairperson and Vice-Chairperson Elections

Mr. Derrer opened the floor for elections for Chairperson and Vice-Chairperson.

Mr. Thomas Utterback recommended Mr. Derrer for Chairman and Mr. Horton for Vice-Chairperson. Mr. Woodward seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript,)

There being no further business, the meeting was adjourned at 1:21 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF APRIL 19, 2007

Members Present: William Derrer, **Chairman** Jesus Gomez
Richard Horton, **Vice-Chairman** Gregory Pierce
Thomas Utterback, **Sergeant at Arms** Juan Dalla Rizza
Robert Barnes Myron Rosner
Rolando Diaz Enrique Salvador
Alfonso Fernandez-Fraga Edward Woodward
Chief Virgil Fernandez
Carmen Garcia

Members Excused: John Kurzman

Staff Present: Michael Goolsby, Acting Secretary to the Board
Erica Zaron, Assistant County Attorney
Yvonne Bell, Board Recording Secretary

Court Reporter: Lorena Ramos, Metro Dade Court Reporters

The meeting commenced at 1:10 P.M.

MINUTES OF MARCH 15, 2007

Mr. Derrer requested a motion to **approve** the minutes of the **March 15, 2007** meeting. A motion was made by Chief Fernandez to accept the minutes. Mr. Enrique Salvador seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, Colonnade Condominiums, Building #1, 8390 S.W. 72 Avenue, Permit No. 2006-086979, HVAC Installation

Mr. Gustavo Martinez, Chief Mechanical Engineer, commented that this design began in 2001 and then proceeded to show the outline of the structure to the members. He explained to the members that the design was approved in 2003 and they are now finished up to the sixth floor. Mr. Martinez further commented that the Building Department advised that the location of the return grill did not comply with the Code. However, he argued that the 2004 Mechanical Code did allow for this installation.

Mr. Harold Schoendorf, Mechanical Supervisor for Miami Dade County Building Department, commented that they first observed return air from the closet area in January, when they were at the fourth level of the construction project. He explained that the return air was part of the approved drawings, but it was not identified as a closet area. Mr. Schoendorf commented that it was rejected for the reason that it did not comply with the code. Mr. Schoendorf further commented that they suggested to the appellant that they take air from the ceiling of the closet to the wall of the closet, to take air outside of the closet area, but the appellants feel that it is not required.

Mr. Pete Quintela, Code Compliance Division Mechanical Chief, commented that they must provide return air from the master suite to the common area, and then back to unit. He further commented that you could only use the closet supply in the calculation; not that return air is through the closet.

Upon some discussion, Mr. Rosner moved to deny the appeal and uphold the Building Official's recommendation that Section 602.1 of the 2001 Edition of the Florida Building Code, Mechanical Volume prohibits outside or return air of a forced-air heating or cooling system from being taken from a closet, bathroom, toilet room, kitchen, garage, mechanical room, furnace room, or other dwelling unit. Mr. Woodward seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES AND APPEALS
Minutes of the Meeting of April 19, 2007
(Continued...)

TCO/TCC APPEALS

#1 - TCO EXTENSION, PERMIT No. BCO05422/BCO06186, Bentley Bay, Reyes

A motion was made by Chief Fernandez to accept the Building Officials recommendation and grant a 60-day TCO extension from today. Mr. Enrique Salvador seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 - TCO EXTENSION, PERMIT No. 2003017623, Miami-Dade Aviation Department, Arteaga

Sergio Negreira, Quality Control Manager for Miami-Dade Aviation Department, was present on behalf of Mr. Juan Carlos Arteaga.

A motion was made by Chief Fernandez to grant a 90-day TCO extension as recommended by the Building Official. Mr. Utterback seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#3 - TCO EXTENSION, PERMIT No. 2006093163, Williams Sonoma-West Elm, Texteira

Shelby Lundin, Representative for Williams Sonoma, West Elm was present on behalf Mr. William Texteira.

A motion was made by Enrique Salvador to grant a 90-day TCO extension as recommended by the Building Official. Chief Fernandez seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INTERPRETATION: Section 8-13 of the Code of Miami Dade County

Mr. Goolsby informed the members that this was a request for an interpretation to Section 8-13 (Revocation of Permits) Chapter 8 of the Miami Dade County Code and provided the members with an update on the status of the illegal licensed contractors, indicating that three-quarters of the permits are resolved at this time. However, there is an issue with the remaining unresolved permits, with the property owners being reluctant to assume the permit or acquire another contractor to take over the permit. Mr. Goolsby further commented that the Code deals with the concept of revoking the permit, but it does not specifically address how the permit would be reinstated.

Mr. Derrer inquired about the subsidiary permits and compliance issues.

Mr. Goolsby explained that many of the permits consisted of doors, fences, or swimming pools. He further explained that there have been discussions with Building Official's on how these permits will be addressed, given that some of the permits would require testing and verification. Mr. Goolsby remarked that they are trying to lessen the impact on the homeowners.

Mr. Dalla Rizza suggested giving the authority to the Building Official to reinstate the permit.

Mr. Rosner suggested that an amnesty ordinance be implemented for the homeowner, incorporating time for compliance. In addition, he further added that the Building Official has already finalized the permit.

Assistant County Attorney Erica Zaron informed that Board that they needed to define what portion of the Code authorizes this determination, but she is not convinced that they have the authority.

Mr. Diaz commented that this is a special situation that has to be addressed on some level. He remarked that the Building Official has the authority from the Code to transfer the permit from owner/builder and then reinstate all of the permits.

BOARD OF RULES AND APPEALS
Minutes of the Meeting of April 19, 2007
(Continued...)

Mr. Jose Ferras, Building Official City of Miami, informed the members that he has only suspended the permits with violations, and in his opinion, the Board is mixing the legal issue with the code violations. He further informed the members that they would not be conducting additional inspections and they need to look at the legality of how to switch the permits to the general contractor.

Upon much discussion, Mr. Salvador moved to defer this discussion until next month to allow time for the Asst. County Attorney to review the Boards authority regarding the reinstatement of permits. Chief Fernandez seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for April 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval** for **Re-Certification** for **2007**.

INSPECTOR:

Annese, Salvatore D.
Brina, Antonio A.
Delgado, Jorge L.

Diaz, Guillermo
Dominguez, Pedro M.

Eggler, Frank R.
Harris, Fitz A.
Hatten, Anthony L.
Iglesias, Jose M.
Perez, Jan Pierre
Reyes Jr., Albert

Rodriguez, Frank D.
Vazquez, Eduardo

Watkins, Kim R.

REPRESENTING:

Town of Medley
City of Doral
City of Hialeah

City of Miami Gardens
City of Miami

Miami-Dade County
Miami-Dade County
City of Miami
Village of Pinecrest
Bal Harbour Village
City of Coral Gables

Miami-Dade County
City of Miami Gardens

City of North Miami

DISCIPLINES:

Chief Building Inspector
Roofing Inspector (Commercial)
Electrical Inspector
Plans Examiner Electrical
Roofing Inspector (Commercial)
Building Inspector (Structural)
Roofing Inspector (Residential)
Plumbing Inspector
Plans Examiner Structural
Electrical Inspector
Building Inspector (Structural)
Chief Mechanical Inspector
Electrical Inspector
Plans Examiner Electrical
Building inspector (Structural)
Building Inspector (Structural)
Plans Examiner Building
Electrical Inspector

A motion was made by Edward Woodward and seconded by Rolando Diaz to **accept** the **Re-Certification** list for **April 2007**.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then remarked that the following individual is being recommended for **Rejection** for **New Certification** for **2007**.

INSPECTOR:

Dominguez, Pedro M.

(Applicant does not possess a Plans Examiner, Building License from the Building Code Administrators and Inspectors Board.)

REPRESENTING:

City of Miami

DISCIPLINES:

Plans Examiner Building

A motion was made by Mr. Salvador and seconded by Mr. Diaz to **accept** the **rejection** for Pedro M. Dominguez.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES AND APPEALS
Minutes of the Meeting of April 19, 2007
(Continued...)

DISCUSSION #1: Guardrail Requirements

Thomas Utterback informed the members that he had a concern about balconies being built with horizontal railings with as little as four inches separation, creating a ladder for children to climb and possibly fall over. He further explained that this issue came about some years ago. Mr. Utterback remarked that he would like the Board of Rules and Appeals to reach out to the State and submit a letter requesting a change in the Code as it relates to these concerns.

Mr. Goolsby commented that the "climbability" issue in the Code is only relative to the pool barriers or fences.

Mr. Eduardo Fernandez, Code Compliance Building Specialist, presented a PowerPoint, which included photographs depicting the types of guardrails that are out in the field, and there are quite a few with horizontal pickets.

Upon additional discussion, Mr. Utterback moved to send the State a formal letter requesting a Code change to eliminate horizontal guardrails. Furthermore, staff is to research and provide the appropriate Code language to be incorporated. Mr. Diaz seconded the motion.

Mr. Goolsby added that in order to implement the changes discussed, it would require a code modification and the window for submission was closed at this time. However, Mr. Goolsby indicated that there is a glitch cycle where they can possibly submit this item for review.

Mr. Goolsby suggested that a Subcommittee hear input from industry and other interested parties on this issue.

At this time, Mr. Derrer appointed several members to sit on the Subcommittee.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

NON-AGENDA ITEMS

DISCUSSION #1: January 20, 2005 Countywide Board Interpretation of FBC Chapter 10 – Section 1026.5.1 and Chapter 16 – Section 1617.4, 2005

Mr. Eduardo Fernandez, Compliance Office Building Specialist, presented the members with an editorial change to a Countywide Interpretation made on January 20, 2005, regarding guardrail minimum height requirements. Mr. Fernandez commented that the revision was necessary to broaden the scope of the previous interpretation to include references contained in the 2004 edition of the Florida Building Code, Building Volume Sections 1012.2, 1618.4.1 and the Florida Building Code, Residential Volume Sections R312.1, R4403.7.3.1.

After some discussion, Mr. Utterback moved to accept the revision as specified by Mr. Eduardo Fernandez.

Mr. Salvador seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

DISCUSSION #2: Gas Vent Issue

Mr. Goolsby remarked that an issue from a prior Subcommittee regarding gas vents was never fully endorsed by the full Board. He explained that the Subcommittee requested guidance from Counsel to see if the new Florida Building Code affected their recommendation, but as it remains today, no decision has been provided. Mr. Goolsby further explained there is no uniformity on this issue.

Upon some discussion, the members decided that this item would be addressed further at the next full Board meeting of May 17, 2007.

There being no further business, the meeting was adjourned at 2:25 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF MAY 17, 2007

Members Present:	William Derrer, Chairman	Jesus Gomez
	Richard Horton, Vice-Chairman	Juan Dalla Rizza
	Thomas Utterback, Sergeant at Arms	Gregory Pierce
	Alfonso Fernandez-Fraga	Enrique Salvador
	Chief Virgil Fernandez	Edward Woodward
	Carmen Garcia	John Kurzman
	Herbert Gopman	Myron Rosner

Members Excused: Robert Barnes Rolando Diaz

Staff Present: Michael Goolsby, Acting Secretary to the Board
Erica Zaron, Assistant County Attorney
Yvonne Bell, Board Recording Secretary

Court Reporter: Janice Aguirre, Metro Dade Court Reporters

The meeting commenced at 1:10 P.M.

Chairperson William Derrer took the opportunity to introduce new Board Member Herbert Gopman. He then advised the members that Mr. Gopman is filling the Structural Engineer position.

MINUTES OF APRIL 19, 2007

Mr. Derrer requested a motion to **approve** the minutes of the **April 19, 2007** meeting. A motion was made by Chief Fernandez to accept the minutes. Mr. Enrique Salvador seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 11600 Bethune Drive, Revocation of Permit, Permit #2007023025, Chapter 8 13/FBC 104.4.2

Mr. Derrer informed the Board that this appeal was deferred per the appellant's attorney Jeffrey Bass.

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 150 Miracle Mile, Rooftop, Terrace, FBC Section 705 and 1607

Nelson de Leon, AIA, Locus Architecture Incorporated, submitted to the members an aerial view of the property and commented that this is a 3-story restaurant with a roof top terrace. He added that the building is fully sprinkled with a four-hour separation between the adjacent properties and they are providing a 48-inch height exterior wall. Mr. de Leon further added that they have gone through the review process and was approved and signed off by all the reviewers, including fire; the only omission was the Building Official.

Peter Iglesias, City of Coral Gables, commented that their position is that the rooftop can be done, but the problem is that Section 704 and Table 602 are not being met at this building. He commented that they are dealing with fire separation issues for adjacent properties.

Kevin Carrier, (Fire) Code Compliance Specialist, commented that the application Table 602 and 704 of the 2004 edition of the Florida Building Code does not specifically prohibit rooftop terraces on the property line. However, Section 1616.2 of the Florida Building Code addresses design loads for roof top areas that are to be used for special assembly areas. Mr. Carrier advised the members that the Florida Building Code does not address future construction situations.

Chief Fernandez remarked that the owner has to provide the protection and the wall has to be closed off from other sections.

BOARD OF RULES AND APPEALS
Minutes of the Meeting of May 17, 2007
(Continued...)

REGULAR AGENDA APPEALS Cont...

Manny Lopez, Building Official, City of Coral Gables, remarked that they could not find any thing in the Code that would allow this and more importantly, a four-foot wall is not a firewall.

There was some discussion about implementing a covenant that would run with the land.

Harold White, President of Riviera Development, agreed to a suggestion that a covenant running with the land be executed. The covenant would stipulate that the property be brought into compliance if further development of the adjoining property were to take place.

After some discussion, Mr. Salvador moved to grant the appeal that the vertical separation requirements were met with the design of the structure and the Appellants property must be made to comply with Code if further development of adjoining property results in a Code violation, by covenant. Mr. Woodward seconded the motion. The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #3: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, Greenview Condominium, 2021-31 North Meridian Avenue, Dept. Health Exemption – Public Pools, FBC Section 424.1 and 424.2

Michael Larkin, Bercow & Radell, remarked that they are appealing the decision of the Building Official in regards to the pool located at 2021-31 North Meridian Avenue, which has been exempted from being categorized as a public pool. Mr. Larkin continued to explain that on March 5, 2007 they applied for a pool permit, which according to the Department of Health (DOH) would be considered a private pool. However, the Building Official informed them that they were subject to the provisions of a public pool, as required by the Florida Building Code. Mr. Larkin concluded that in the past the City of Miami Beach has allowed these as private pools.

Rhonda Montoya-Hasan, Senior City Attorney, explained the specifics behind this case and remarked that the DOH letter explains that the pool is exempt from their supervision; it does not imply that they are exempt from City restrictions or construction regulations. Mrs. Montoya-Hasan proceeded to read staff's opinion, which states that this is a supervisory issue with the DOH and the City still considers this a public pool.

Mr. Horton asked about the pool features that were not in compliance.

Richard McConahie, Assistant Building Director of the City of Miami Beach, responded that the pool is three-feet deep, and has one restroom, which requires two. In addition, there are some issues with the slope and some concerns with the width.

Upon discussion, Mr. Utterback moved to deny the appeal and affirm the Building Official's decision to categorize the pool in question for construction as a commercial pool. Chief Fernandez seconded the motion.

The motion **carried. (Mr. Gopman and Mrs. Garcia were opposed).**

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #4: APPEAL OF BUILDING OFFICIAL: City of Aventura, Alaqua Condominium, 3001 N.E. 185 Street, Knee-High Wall Balcony, FBC 2001 Section 1012.2

Bill Encinosa, The firm of Cohen, Friedman and Encinosa, remarked that the building in question has a certificate of occupancy and now the Building Official is requiring 42" inches from the stem wall, not the floor.

Raul Rodriguez, Representative for the City of Aventura, commented that the City is concerned that this wall provides a step up to the guardrail. In addition, Mr. Rodriguez indicated that it therefore does not meet the 42-inch requirement.

Mr. Encinosa responded that the current width is 8" inches from the rail and three inches from the edge.

Mr. Utterback stated that this has been a concern of his, given that children can step up and possibly go over board.

BOARD OF RULES AND APPEALS
Minutes of the Meeting of May 17, 2007
(Continued...)

Eduardo Fernandez, (Building) Code Compliance Specialist, advised the members that the purpose of the guardrail is to protect people from falling over and this is a concern of the Building Official. He advised the members further that staff was in agreement with the Building Official on this issue.

After some discussion, Mr. Kurzman moved to deny the appeal. Mr. Rosner seconded the motion.

The motion **failed 6 to 6**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Fernandez-Fraga asked Mr. Encinosa whether the horizontal bars received approval.

Mr. Encinosa remarked that the building has been permitted.

Mr. Pierce commented that he agrees with the Building Official and the guardrail must be in place. He further added that this installation does not comply with the Code and they must comply with the 42 inches from the step.

Mr. Encinosa responded that the Code does not address stem walls and more importantly, the building is already constructed. In addition, Mr. Encinosa added that this issue is becoming a vast burden on the owner at this time.

Mr. Utterback suggested that they add a triangular aluminum piece that follows the same angle, and no one will be able to step on it.

Upon some discussion, Mr. Encinosa commented that they would make the modifications to the structure as suggested by Mr. Utterback.

At this time, Mr. Fernandez-Fraga moved to grant the appeal and modify the Building Official's recommendation by requiring the installation of an ancillary metal angle to be secured to the knee wall, as was accepted by the appellant. Mr. Pierce seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Juan Dalla Rizza and Carmen Garcia left the meeting for the day.

At this time, the Board took recess at 3:30 P.M. and reconvened at 3:37 P.M.

Board Member, Herbert Gopman left the room and recused himself from hearing Appeal No. 5.

APPEAL #5: APPEAL OF BUILDING OFFICIAL: City of North Bay Village, GrandView Palace Condominium, 7601 East Treasure Drive, Glass & Glazing Repairs/Permit Status

Christopher Spouchis, Representative for the Grandview Palace Condominiums, started by mentioning that the County Attorney informed them that since they are in litigation, the Court has jurisdiction at this time. Mr. Spouchis remarked that he was under the opinion that the Board of Rules and Appeals is in place to address compliance issues and interpret the code.

Erica Zaron, Assistant County Attorney, advised the Board that there is no jurisdiction for them to hear this appeal. She commented that the Circuit Court Judge has not relinquished jurisdiction and the appellants must receive an order advising the Board that the Court has provided them the authority to hear this appeal.

Mr. Spouchis remarked that in this particular hearing today they are addressing the issue of closing out a permit on repairs at the Grandview Palace Condominiums.

Mr. Utterback commented that the Court would not have a problem with them hearing the case. He recommended that the Board move forward with the appeal and provide the Courts with an advisory decision.

BOARD OF RULES AND APPEALS
Minutes of the Meeting of May 17, 2007
(Continued...)

Mr. Spouchis then proceeded to inform the Board that they are seeking relief on three areas. First, ask the Board to confirm that permits remain active for 180 days after suspension of work. Second, confirm the permanent status of the like-kind glass repairs made to glass over balcony areas at the Grandview. Third, once safeguard systems are installed and the areas that have been deemed hazardous for broken glass, the like-kind glass repairs in these areas, will be deemed permanent.

Ira Elegant, Attorney for Paul Gioia, provided some background history on this case and remarked that the Building Official attempted to seize this building to make the necessary repairs because of hurricane damage and other substantial violations that had existed from 2005. He added that Mr. Gioia was allowing them to install the temporary glass where there was wood, provided they have testing proving the sufficiency of the repairs and the glass, including the submittal of an Engineer's report.

Paul Gioia, Building Official City of North Bay Village, commented that windows and glass at this property shattered due to the frames being bent. He remarked that when you compromise a component of any approved assembly, it has to be re-tested and this is why he requested testing on the questionable windows.

Mr. Spouchis responded that the UCI report states that there were no bent frames.

Eduardo Fernandez, (Building) Code Compliance Specialist, informed the members that there was an issue of permits as well. He added that there were no temporary permits contemplated in the Code, but the appellants want to renew the permit.

Mr. Gioia remarked that he granted a building permit to conduct temporary repairs.

Mr. Eddie Fernandez addressed the frame issue and commented that they have to comply with the Code. He further commented that if you add a new element, you have to comply with the Code. He indicated his staff opinion was in agreement with the Building Official. Mr. Fernandez advised that Mr. Gioia can renew the permit or request a new permit and once an approved inspection is granted, the permit is extended for an additional 180 days.

Mr. Gioia commented that there are no inspections.

Upon much discussion, Mr. Fernandez-Fraga commented that as an advisory decision for the Court, he moved to affirm the decision of the Building Official to require a new window glazing repair permit. Mr. Salvador seconded the motion

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Additionally, Mr. Utterback moved to uphold the Building Official's request for testing of the repaired windows and an Engineer's report. Mr. Pierce seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 - TCO EXTENSION, PERMIT No. 02-5018491, Brickell Emerald, Whiteman

A motion was made by Chief Fernandez to accept the Building Officials recommendation and grant a 60-day TCO extension from today. Mr. Enrique Salvador seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 - TCO EXTENSION, PERMIT No. 2003-076955, Miami International Airport, Segreira

Sergio Negreira, Quality Control Manager for Miami-Dade Aviation Department, was present on behalf of Mr. Juan Carlos Arteaga.

BOARD OF RULES AND APPEALS
Minutes of the Meeting of May 17, 2007
(Continued...)

A motion was made by Chief Fernandez to grant a 90-day TCO extension as recommended by the Building Official. Mr. Utterback seconded the motion.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

INTERPRETATION #1: National Electrical Code (NEC) Section 680.26

This interpretation was withdrawn at the request of the Unincorporated Miami Dade County, Building Department.

INTERPRETATION #2: Section 8-13 of the Code of Miami Dade County

Mr. Goolsby advised the Board that this interpretation was withdrawn from the agenda.

DISCUSSION #1: Gas Vents/Permit Requirements Regarding Roofing and Metal Bell Flashing Removing – Discussion Follow-up

Mark Zehnal, Roofing, Code Compliance Specialist, provided a summary of this issue and advised the members that the following four key permit requirements were developed out of the joint Roofing, Electrical, Mechanical and Plumbing Subcommittee held on January 31, 2002:

- (1) A gas vent permit shall be issued before roofing final inspection can be performed.
- (2) The gas vent permit shall be obtained by a properly licensed contractor.
- (3) A gas vent permit shall be considered a separate permit and not a subsidiary to the roofing permit.
- (4) This process shall not interfere with the inspection and finalization of the roofing permit.

Mr. Zehnal continued to add that there is a need for uniformity throughout Miami Dade County on this issue.

Mr. Pierce remarked that he has seen these types of concerns in the field on numerous occasions and there is no consistency. At this time, Mr. Pierce moved to accept the guidelines under Section 105.2.2 of the 2004 Edition of the Florida Building Code. Mr. Utterback seconded the motion.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

DISCUSSION #2: NOA #03-0916.02, Glasslam Safety – Plus I, Use of Alternate Laminate/Resin

Mr. Derrer advised the members that this discussion has been deferred.

DISCUSSION #3: Manufacturers and Laboratories Guidelines

Jaime Gascon, (Chief) Product Control Division, advised the members that a revision was made to the Quality Assurance Manual and the Quality Assurance Guidelines for Miami-Dade County Laboratories. He remarked that the revisions were made to enhance the document itself, and to keep in line with what is being provided in the quality assurance submittal documents.

At this time, Mr. Salvador moved to accept the Quality Assurance Manual Guidelines. Mr. Utterback seconded the motion.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then moved to accept the Quality Assurance Guidelines for Miami-Dade County Laboratories. Mr. Pierce seconded the motion.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES AND APPEALS
Minutes of the Meeting of May 17, 2007
(Continued...)

REPORT #1: Certification Subcommittee Report for May 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval** for **Re-Certification** for **2007**.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Cruz-Bustillo, Hari	City of Miami	Building Inspector (Structural) Plans Examiner Building
Fernandez, Daniel R.	City of Coral Gables	Chief Electrical Inspector
Gomez, Gustavo	Miami-Dade County	Mechanical Inspector
Guerra, Roberto D.	City of Miami Gardens	Building Inspector (Structural) Roofing Inspector (Residential)
Merced, Eric	City of North Miami	Electrical Inspector Plans Examiner Electrical
Mierisch, Edwin	City of Miami Gardens	Chief Mechanical Inspector Plans Examiner Mechanical
Perez, Luis R.	City of Miami	Building Inspector (Structural) Plans Examiner Building Plans Examiner Structural
Pinna, Sean C.	City of Doral	Mechanical Inspector Plans Examiner Mechanical
Posada, Oscar A.	Miami-Dade County	Plans Examiner Building
Rodriguez, Orestes M.	Miami-Dade County	Building Inspector (Structural)
Silva, Edward	Village of Palmetto Bay	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Residential)
Zubillaga, Juan J.	Village of Key Biscayne	Building Inspector (Structural)

A motion was made by John Kurzman and seconded by Thomas Utterback to **accept** the **Re-Certification** list for **May 2007**.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then remarked that the following individuals are being recommended for **Rejection** for **New Certification** for **2007**.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Fernandez, Ulises A.	City of Hialeah	Building Inspector (Structural) Roofing Inspector (Residential)
(Applicant failed to provide a copy of the Building Inspector application for provisional license along with a copy of the certified mailing receipt indicating the provisional application was sent to the BCAIB. Mr. Fernandez does not have the license and experience required in Miami-Dade County Code Chapter 8, Section 8-21 for a Roofing Inspector).		
Gonzalez, Andres	Town of Cutler Bay	Electrical Inspector Plans Examiner Electrical
(The Chief Electrical Plans Examiner shall have the power to delegate duties dealing with Electrical plans examining to subordinate Electrical Plans Examiners working under his/her authority. Such persons shall meet the same qualifications and certification as the Chief Electrical Plans Examiner, 5 years under the license).		

A motion was made by John Kurzman and seconded by Gregory Pierce to **reject** Mr. Fernandez and Mr. Gonzalez for New Certification for 2007.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador further added that an issue regarding Juan Calderin was addressed at the Certification Subcommittee this morning. Mr. Salvador explained to the members that Mr. Calderin was short about seven months, but they have agreed to accept his paperwork once it comes in.

BOARD OF RULES AND APPEALS
Minutes of the Meeting of May 17, 2007
(Continued...)

Mr. Goolsby clarified further that Mr. Calderin was short one-year of experience, but has an Associate degree. However, he indicated that the Board may exercise its discretion and determine if they will accept the two-year degree in lieu of the remaining experience requirement.

Upon some discussion, Mr. Kurzman moved to accept Mr. Calderin for new certification and Mr. Pierce seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #2: Goldcoast Railroad Museum

Mr. Gascon was glad to inform the members that Goldcoast Railroad Museum obtained their one-time product approval on March 19, 2007 and received a final from the Unincorporated Building Department.

There being no further business, the meeting was adjourned at 4:47 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JUNE 14, 2007

Members Present: William Derrer, **Chairman** Jesus Gomez
Thomas Utterback, **Sergeant at Arms** Gregory Pierce
Robert Barnes Enrique Salvador
Alfonso Fernandez-Fraga Edward Woodward
John Kurzman

Members Excused: Richard Horton, **Vice-Chairman** Juan Dalla Rizza
Chief Virgil Fernandez Rolando Diaz
Carmen Garcia Herbert Gopman
Myron Rosner

Staff Present: Michael Goolsby, Acting Secretary to the Board
Erica Zaron, Assistant County Attorney
Yvonne Bell, Board Recording Secretary

Court Reporter: Janice Aguirre, Metro Dade Court Reporters

The meeting commenced at 1:10 P.M.

MINUTES OF MAY 17, 2007

Mr. Derrer requested a motion to **approve** the minutes of the **May 17, 2007** meeting. A motion was made by John Kurzman to accept the minutes. Edward Woodward seconded the motion.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, 1235 West Avenue, Roof Top Pool, Permit #BO605700, FBC 1014.2.1

Eduardo Navarro, Representing Ralph Choeff, commented that the permit has been applied for, but not obtained. He proceeded to outline their position that Section 1018 of the Florida Building Code (FBC), does not state that scissor stairs only count as one means of egress. Mr. Navarro further added that the scissor stairs were originally accepted by the Fire Department.

Rhonda Montoya-Hasan, City of Miami Beach Senior Attorney, made a point of clarifying to the members that this appeal was regarding fire issues. She indicated that the appellant would like to install scissor stairs, which the Florida Building Code does not allow. Mrs. Montoya-Hasan further commented that she has no knowledge that the Fire Department granted this style of stairs, as the Florida Building Code is clear in pointing out that scissor stairs are considered a single exit.

Eduardo Navarro responded that the code is not clear; one Code is saying that it is two exits. In addition, there are two definitions for scissor stairs that are referenced.

Kevin Carrier, (Fire) Code Compliance Specialist, commented that the 2004 FBC edition was clarified with NFPA 101 to verify if scissor stairs were allowed. He explained that two separate paths do not equal two means of egress and more importantly, with the installation of scissor stairs it is impossible to ensure smoke migration from one shaft to another. Mr. Carrier remarked that in instances where there is a conflict with the code, the more stringent code should apply.

Leonel Medrano, City of Miami Beach, commented that this building consists of five levels and the Florida Building Code requires that every occupied story have two means of egress.

Alfonso Fernandez-Fraga stated that he agreed with the Building Official, but remarked the intent is on whether to keep the scissor stairs separate. He offered that perhaps they could look into adding stair pressurization and see if it suffices as equivalent.

After some discussion, Mr. Pierce moved to deny the appeal and affirm the Building Official's decision that the building is required to have two separate exits and comply with the applicable codes. Mr. Salvador seconded the motion.

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Minutes of the Meeting of June 14, 2007
(Continued...)

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 - TCO EXTENSION, PERMIT No. BCO2135, BCO2163 and BCO3158, Besu

Suzanne Besu was present on behalf of Blue and Green Diamond Master Condominium Association.

A motion was made by John Kurzman to accept the Building Officials recommendation to grant a 90-day TCO extension. Enrique Salvador seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for June 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval** for **New Certification** for 2007.

INSPECTOR:

Barrios, Ardiel

Brower, James S.
Fernandez, Ulises A.
Fulmer, George A.
Guzman, Enrique I.

Khabari, Houshang
Martinez, Enrique "Henry" G.

Militello, Juan J.
Naumann, Carlos A.

Palacios, Jose
Rodriguez, Jorge M.
Rosenkoff, Gilbert

Tyson, Glynn K.

REPRESENTING:

City of Miami Springs

Miami-Dade County
City of Hialeah
City of Hialeah
Bal Harbour Village
Indian Creek Village

Miami-Dade County
Village of Virginia Gardens

City of Hialeah
Town of Miami Lakes

Village of Virginia Gardens
Miami Shores Village
City of Aventura

Village of Palmetto Bay

Miami-Dade County

DISCIPLINES:

Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Electrical Inspector
Building Inspector (Structural)
Building Inspector (Structural)
Electrical Inspector
Chief Electrical Inspector
Electrical Inspector
Plans Examiner Electrical
Plans Examiner Building
Building Inspector (Structural)
Chief Building Inspector
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Building Inspector (Structural)
Plans Examiner Building
Plans Examiner Structural
Plumbing Inspector
Chief Building Inspector
Building Inspector (Structural)
Roofing Inspector (Residential)
Plans Examiner Building
Building Inspector (Structural)
Roofing Inspector (Residential)
Plans Examiner Building
Building Inspector (Structural)

A motion was made by Mr. Pierce to accept the above-mentioned individuals for New Certification for June 2007.

Mr. Kurzman seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then mentioned that the following five individuals are being recommended for **Rejection** for **New Certification** for 2007.

INSPECTOR:

Fulmer, George A.
(Residential)

REPRESENTING:

City of Hialeah

DISCIPLINES:

Roofing Inspector

(Applicant does not meet the experience requirement for Residential Roofing Inspector as per Miami-Dade County Code, Chapter 8, Article 2, Section 8-21.2(h)(aa)-(dd).

BOARD OF RULES AND APPEALS
Minutes of the Meeting of June 14, 2007
(Continued...)

INSPECTOR:

Martinez, Enrique "Henry" G.

REPRESENTING:

Village of Virginia Gardens

DISCIPLINES:

Mechanical Inspector
Plumbing Inspector

(Applicant does not meet the following requirements of Miami-Dade County Code, Chapter 8: (a) At least five years of field experience as a Certified Journeyman Plumber or Master Plumber issued by the Miami-Dade County Construction Trades Qualifying Board; or, (b) At least five years of field experience as a State Certified Plumbing Contractor issued by the Florida Construction Industry Licensing Board). (Applicant does not possess a Mechanical License).

Militello, Juan J.

City of Hialeah

Roofing Inspector (Res)

(Applicant does not meet the experience requirement for Residential Roofing Inspector as per Miami-Dade County Code, Chapter 8, Article 2, Section 8-21.2(h)(aa)-(dd).

Rodriguez, Jorge M.

Miami Shores Village

Roofing Inspector (Res)

(Applicant does not meet the experience requirement for Residential Roofing Inspector as per Miami-Dade County Code, Chapter 8, Article 2, Section 8-21.2(h)(aa)-(dd).

Rosenkoff, Gilbert

City of Aventura

Roofing Inspector (Com)

(Applicant must present evidence of mandatory five years experience as per Miami-Dade County Code, Chapter 8, Section 21.2(g)(7).

Village of Palmetto Bay

Roofing Inspector (Com)

(Applicant must present evidence of mandatory five years experience as per Miami-Dade County Code, Chapter 8, Section 21.2(g)(7).

A motion was made by Mr. Kurzman and seconded by Mr. Pierce to **reject** the above-mentioned individuals for **June 2007**.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INFORMATION #1: 2006 Financial Disclosure Reminder

Kathy Charles, Director, BCC, Policy, Operations and Board Administration, advised the members that it was time again to submit their financial disclosures with the Elections Department. She commented that the deadline is July 2 before fines are imposed. Mrs. Charles further commented that the forms are available online at the Miami Dade County web home page.

NON-AGENDA DISCUSSION #1: Board of Rules and Appeals – Powers and Duties of the Board

Michael Goolsby, Chief, Code Compliance Division, updated the members on the status of the Illegally Obtained License issue. He remarked that the Commission passed a resolution implementing a trust fund for any damage incurred by the homeowners and the Building Departments administrative cost associated with the permits. Mr. Goolsby proceeded to advise the members that there will be \$600,000 in the fund, initially this will be supplemented through fines and administrative fees and thus far, \$75,000 to \$100,000 have been collected from these individuals.

Mr. Goolsby then conducted a PowerPoint presentation on the Board of Rules and Appeals, Powers and Duties. He went through the inception of the Board and their responsibilities regarding overseeing the uniform enforcement of the Building Code and maintaining appropriate standards of construction. Mr. Goolsby also informed the members that the Board could recommend revisions or amendments to the Building Code as well.

Mr. Goolsby then continued to advise the members of their authority to affirm, modify or reverse a decision of the Building Official. He reminded them of an appeal where they modified a decision of the Building Official and accepted an equal alternate on a roofing appeal.

Mr. Kurzman discussed appeals that are in Circuit Court and inquired about the authority of the Board to hear these items.

Erica Zaron, Asst. County Attorney responded that she would advise the Board of their jurisdiction to hear or address these types of appeals.

As a point of information, Mr. Goolsby advised the members that the Florida Building Commission would be held in Miami this month at the Don Shula Hotel in Miami Lakes, Florida. He further advised that they would be addressing legislative issues as well, and this would be a great opportunity for them to attend.

There being no further business, the meeting was adjourned at 4:47 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF JULY 19, 2007

Members Present: William Derrer, **Chairman** Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

Robert Barnes	John Kurzman
Rolando Diaz	Gregory Pierce
Alfonso Fernandez-Fraga	Juan Dalla Rizza
Chief Virgil Fernandez	Enrique Salvador
Jesus Gomez	Edward Woodward
Herbert Gopman	

Members Excused: Carmen Garcia
Myron Rosner

Staff Present: Michael Goolsby, Acting Secretary to the Board
Erica Zaron, Assistant County Attorney
Yvonne D. Bell, Board Secretary
Nelly Nieves, Board Secretary

Court Reporter: Elain Dahan, Official Reporting Services, LLC

The meeting commenced at 1:08 P.M.

MINUTES OF JUNE 14, 2007

Chairman William Derrer, requested a motion to **approve** the minutes of the **June 14, 2007** meeting. A motion was made by Gregory Pierce to accept the minutes. Richard Horton seconded the motion. The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Chairman Derrer advised the Board he was going to deviate from normal procedure and asked Board member Enrique Salvador to present his report.

REPORT #1: Certification Subcommittee Report for July 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval New Certification** for **2007**.

INSPECTOR:

Diaz, Lisandro
Gonzalez, Carlos
Gonzalez, Dario

REPRESENTING:

City of Miami Gardens
City of North Miami
City of South Miami

DISCIPLINES:

Electrical Inspector
Mechanical Inspector
Building Official
Chief Building Inspector
Plans Examiner Building
Plans Examiner Structural
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Mechanical Inspector
Plans Examiner Mechanical
Plans Examiner Building
Building Official
Mechanical Inspector
Plans Examiner Mechanical

Mesa, Michel

City of Doral

Regula, Ronald

City of North Miami

Scull, Ignacio G.
Silva, Edward
Wallace, Robert A.

City of Miami Gardens
Village of Palmetto Bay
Village of Pinecrest

BOARD OF RULES and APPEALS
Minutes of the Meeting of July 19, 2007
(Continued...)

Further, Mr. Salvador informed the Board of a few New Certification non-agenda items. He indicated that **Jennifer A. Lofton** as Plans Examiner - Building with the City of Sunny Isles, was recommended for approval, but the denial of Ms. Lofton as a Residential Roofing Inspector was recommended. Additionally, he stated a recommendation for approval for **Luis F. Rodriguez** as a Plans Examiner - Structural.

A motion was made by Mr. Pierce to accept the above listed individuals for New Certification for July 2007, along with the recommendation on the non-agenda items. Mr. Kurzman seconded the motion.
The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County, Sturon Nursery; 15801 SW 216 Street; case # 2007-0110019, FBC 102.2 (c)

Steven Leonard, President of Sturon Inc., addressed the Board regarding a non-residential structure located on farm land. Mr. Leonard explained that the referenced structure qualifies as exempt from the Florida Building Code as per FBC Section 102.2 (c). Additionally, Mr. Leonard advised the Board that the State Attorney General had provided a legal opinion on the issue of non-residential farm building and he proceeded to read various portions of the opinion.

Mr. Utterback commented Mr. Leonard is right, but he felt that the structure should be built to code because people work there. Mr. Diaz stated he did not feel that the building qualifies under agriculture since it is a structure that is used as an office. Mr. Pierce stated he believes this is a support building for the farm as used in the description explaining which qualifies as an exemption from the Florida Building Code. Mr. Horton commented nursery operations do fall under agriculture definition. Mr. Gopman asked whether the building is safe and accessible by occupants. Mr. Leonard indicated the building was designed by a licensed architect/engineer. Ron Szep, of the Building Department, Building Enforcement and Legal Services Division, addressed the Board and stated this is not a question of whether this is a farm building, the building in question must be used for agriculture purpose and he proceeded to read Section 823.14(3) (a). Mr. Szep advised that their position is that this building is an office building and is not used for the production of farm products.

Eduardo Fernandez, Building Code Compliance Specialist, addressed the Board and advised that the Building Code Compliance Office has conducted a review and their opinion concurs. Mr. Fernandez stated, although do not like the idea of a structure being exempt from the Building Code, the definition of Section 823.14(3) (a) used defines "Farm" but Section 604.50 Nonresidential Farm Buildings is clear. Mr. Fernandez stated he had gone one step further and spoke to John Caudill of the Florida Department of Community Affairs and John Costican, Assistant General Council for Agriculture Department of Agriculture and Consumer Services who advised that if the operation being conducted in building is 100% exclusively used for farm business and not any other type of business". As to the issue of safety, Mr. Fernandez informed the Board that it is the responsibility of the owner and not the Building Department nor the Board of Rules and Appeals inasmuch as farmland is exempt from the Building Code. Further, Mr. Fernandez stated only the Attorney General could interpret referenced State Statute.

Mr. Salvador asked to hear from the Assistant County Attorney. Assistant County Attorney Erica Zaron stated, "Statutory interpretations require you to go no further once the requirement is clear, the building has to be on area that is a farm and there is not much area for argument in that respect.

After some further discussion and deliberation, a motion was made by Mr. Pierce and seconded by Mr. Fernandez-Fraga to grant the appeal. The motion carried by a vote of 8-6 with Mr. Gopman, Mr. Diaz, Chief Fernandez, Mr. Salvador, Mr. Barnes and Mr. Kurzman opposing.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES and APPEALS
Minutes of the Meeting of July 19, 2007
(Continued...)

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, Karen Kalman Case/Ramp @ 190 Mac Arthur Causeway; FBC 102.2 (a)

Attorney Thomas Pepe of Pepe & Nemire, P.A. representing Karen Kalman began his presentation.

Rhonda Montoya-Hasan, Senior Attorney for the City of Miami Beach, was asked to address the Board, however, she deferred her presentation until Mr. Fine made his request

Attorney Robert Fine, Greenberg Traurig, P.A. representing Fisher Island, asked the Board to defer this item to the next Board meeting as he was not aware of this matter until two days ago and his client is an affected party.

After some discussion and deliberation, a motion was made by Rolando Diaz and seconded by Gregory Pierce to grant Mr. Fine's request for a continuance. This item to be rescheduled for the September 2007 meeting.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 – TCO EXTENSION, PERMIT No. 01-5010199, Fine

Patrick Range was present on behalf Robert Fine for Espirito Santo Plaza requesting a 90-day TCO extension.

A motion was made by Chief Virgilio Fernandez to accept the Building Official's recommendation to **grant a 60-day TCO extension**. Rolando Diaz seconded the motion.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 – TCO EXTENSION, PERMIT No. 02-5016046, Fine

Patrick Range was present on behalf Robert Fine for Espirito Santo Plaza requesting a 90-day TCO extension.

A motion was made by Chief Virgilio Fernandez to accept the Building Official's recommendation to **grant a 60-day TCO extension**. Rolando Diaz seconded the motion.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#3 – TCO EXTENSION, PERMIT No. 2003-017623, Arteaga

Juan Carlos Arteaga on behalf of Miami-Dade Aviation Department, Project 739G, was present and requested an extension.

A motion was made by Chief Virgilio Fernandez to accept the Building Official's recommendation to grant a 90-day TCO extension. Enrique Salvador seconded the motion.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

EMERGENCY APPEAL #3: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, Dolphin Stadium, 2269 NW 199 Street, Permit No. 2006-065996 Phase 1a and Permit No. 2007-017529 Phase 1b, FBC Section 2414.6 Fire Protection, Anderson

Attorney Joseph Goldstein, South Florida Stadium Corporation, began his presentation and asked those in his presentation group who were expected to testify to be sworn-in. Those individuals included Bruce Schulze, President of South Florida Stadium Corporation, Frank Anderson, Director of Stadium Improvement in charge of construction, Ed Coon and Ed Roether, Architects, and Al Torres his colleague at Holland and Knight. Mr. Goldstein informed the Board that this is an appeal of the interpretation of the Florida Building Code relative to the ongoing improvements at the stadium, specifically the large glass curtain wall enclosure on the outside as well as expansion of the various levels of the stadium concourses service.

BOARD OF RULES and APPEALS
Minutes of the Meeting of July 19, 2007
(Continued...)

The issue was FBC Section 2414.6.2 Fire Protection and the structural integrity of the connection at one of the locations where the curtain wall was affixed to the building. Mr. Goldstein spoke about the uniqueness of this Stadium facility in architectural design and in terms of how many hours a year, it could be fully occupied; an estimated 5% within a year, in comparison to a condominium tower. Mr. Goldstein informed that the Building Official's determination is based on the fact that the 400 level expansion is habitable space and therefore constitutes a floor. Mr. Goldstein stated the building code provides no clear definition for what is a roof and what is a floor when applied to this type of stadium facility.

Ed Coon made his presentation as to the specifics of the configuration and design of the Stadium they are implementing. He stated these improvements effect four levels, the plaza level, main concourse level, club level and the upper concourse level. Mr. Coon described and addressed the specifications of the curtain wall.

Ed Broder presented his knowledge of the building code and the fire protection issue. Mr. Broder attempted to clarify the distinction as to what constitutes a floor and what constitutes a roof, as it relates to the Stadium and the definitions within the building code. He articulated their position as level 400 is not a floor; however, it is a roof.

Michael Goolsby stated if the issue is whether it is a roof or floor then that is another issue.

Flavio Gomez, Building Division Director with the Building Department, addressed the Board stating the referenced FBC Section says, "Connections used to attach the curtain wall frame to the building frame should be with fire protection", which is the Building Department's position.

After much discussion, a motion was made by Rolando Diaz and seconded by Herbert Gopman to deny this appeal and uphold the Building Official's position.

The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #2: Proposed Ordinance Amending Chapter 8 Establishing Reinstatement of Permit Process

Mr. Goolsby conducted a PowerPoint presentation and stated that this ordinance modification will serve to expand and reinforce the authority of this Board, in particular responsibilities regarding permits. He indicated that Section 8-4 (d) (3) of Chapter 8 provides the Board with the authority to suspend a permit, however, the Code remains silent on a method for reinstating a permit which has been suspended. Mr. Goolsby explained the areas being modified and the purpose of the changes. Additionally, Mr. Goolsby informed the Board how the changes could affect the permits of the illegally licensed contractors. He indicated that this modification would give the Board of Rules and Appeals the authority to consider and resolve appropriately those permits that were unable to be cured by either the homeowner or the illegal contractor.

There being no further business, the meeting was adjourned at 3:08 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF SEPTEMBER 20, 2007

Members Present: William Derrer, **Chairman** Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

Robert Barnes	John Kurzman
Juan Dalla Rizza	Myron Rosner
Alfonso Fernandez-Fraga	Enrique Salvador
Carmen Garcia	Edward Woodward
Jesus Gomez	Gregory Pierce

Members Excused: Rolando Diaz
Chief Virgil Fernandez
Herbert Gopman

Staff Present: Michael Goolsby, Acting Secretary to the Board
Erica Zaron, Assistant County Attorney
Eduardo W. Gonzalez, Assistant County Attorney
Yvonne D. Bell, Board Secretary
Nelly Nieves, Board Secretary

Court Reporter: Tina Settel, Official Reporting Services, LLC

The meeting commenced at 1:10 P.M.

MINUTES OF JULY 19, 2007

Chairman William Derrer, requested a motion to **approve** the minutes of the **July 19, 2007** meeting. A motion was made by Gregory Pierce and seconded to accept the minutes.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, Karen Kalman Case, 190 McArthur Causeway, FBC 102.2(a), Accessibility of Ramp

Thomas Pepe, Esq., Pepe & Nemire, P.A. representing Karen Kalman, presented the members with a reply to Fisher Island's submitted motion to dismiss this appeal. Mr. Pepe advised the Board that this appeal is to seek the reversal of the Building Official's interpretation that the Building Code does not apply to a ramp that is currently attached to a pier. Mr. Pepe stated that neither the ramp nor the pier were constructed with a permit and believes the ramp is governed by the Building Code with respect to public safety. Further, Mr. Pepe indicated that this ramp is dangerous because it was affixed only at one end and the other end rests on the ferryboat, which has an exceptional slope at times. He indicated that, at the very least, the Building Code provisions for handrails should apply.

Rhonda Montoya-Hasan, City of Miami Beach Senior Attorney, stated the property owners have a comprehensive presentation for the Board but the City's position was that the Building Official has no jurisdiction regarding this ramp. She added that, while the Building Official is responsible for enforcing the Building Code, under the South Florida Building Code (SFBC) the Building Official should not be held responsible for enforcing regulations for which other agencies have jurisdiction. Further, the City Attorney informed members that the SFBC Code section references the US Army Corps of Engineers for construction of docks adjacent to navigable waterways.

Robert Fine, Esq., Greenberg Traurig, P.A. representing Fisher Island LLC., directed the Board to his motion to dismiss this appeal on the basis that as the property owners they were not given due process as a party to this matter. Chairman William Derrer asked for a motion to accept the intervention of counsel on this matter. Upon some discussion, Thomas Utterback moved to allow the intervention of Robert Fine. Mr. Enrique Salvador seconded the motion.

BOARD OF RULES and APPEALS
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(Continued...)

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Fine then continued to address the Board on this matter indicating that they were able to locate the 1984 version of the South Florida Building Code, which had the language about other agencies' jurisdiction and informed the Board that this Ferry loading platform was operational beginning in 1985. Mr. Fine then referred the Board members to their booklet outlining his arguments and exhibits. He stated the appellant has brought this appeal under the 2004 Edition of the Florida Building Code and the code in effect at the time was the South Florida Building Code. Mr. Fine referred to Section 553.507 of the Florida Statutes, which exempts projects constructed and in existence on or before 1997.

Mr. Rene Fraga, Code Compliance Specialist, addressed the Board on this issue and stated the ramp in question is under the federal government and is exempt from the requirements of the Florida Building Code. He specifically referenced Section 102.2 (a). Mr. Fraga further informed the Board that the requirements regarding access and egress for persons to passenger vessels and shore facilities are not contained in Chapter 10 and 11 of the Florida Building Code. As to the ramp and its compliance with Americans with Disabilities Act Accessibility Guidelines, he indicated that it is the United States Coast Guard and not the Building Official who has jurisdiction. Mr. Fraga stated staff is in agreement with the Building Official.

After some discussion and deliberation, a motion was made by Gregory Pierce and seconded by Enrique Salvador to deny appellant's appeal.

(The motion carried by a vote of 11-1. Mr. Myron Rosner was opposed.)

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of North Miami Beach, Stratford House Condominium, Inc., 2841 N.E. 163 Street, City Ordinance Section 24-93 (c) (1), Handicap Parking Spaces

Mr. Derrer informed the Board that Mr. Dale Lee, Building Official for the City of North Miami Beach, reversed his decision and therefore the appeal was **withdrawn**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA NOA QUALITY ASSURANCE APPEAL

NOA APPEAL #1: NOA #03-0829.04, Combo Window Shutters, Inc., Appeal of Notice of Removal

Robert J. Van Der Wall, P.A., representing Combo Window Shutters did not appear nor was anyone from Combo Window Shutters present.

The Chairman asked staff whether proper notification was made to those parties missing; wherein he was informed that confirmation letters were sent.

Jamie Gascon, Chief of Product Control Division, addressed the Board on this matter. Mr. Gascon informed the Board that a Notice of Proposed Action Product Removal was issued due to a notification by the principals of Hi Tech Association that Combo Window Shutters is no longer a member of the association.

Frank Cornelius was present from the Association and confirmed this information to the Board. After some discussion and deliberation, a motion was made by Gregory Pierce, and seconded by Enrique Salvador to revoke the product approval and deny the use of the Notice of Acceptance.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES and APPEALS
Minutes of the Meeting of September 20, 2007
(Continued...)

TCO/TCC APPEALS

#1 – TCO EXTENSION, PERMIT No. 2002109075, Gonzalez, J.

Gary Abernathy, Construction Manager, was present on behalf of Juan Gonzalez.

A motion was made by Enrique Salvador to grant a **90-day extension**. Thomas Utterback seconded the motion.
The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 – TCO EXTENSION, PERMIT No. 2003076955, Arteaga, J.

John Thompson was present on behalf of Juan Arteaga.

A motion was made by Gregory Pierce to grant a **90-day extension**. John Kurzman seconded the motion.
The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#3 – TCO EXTENSION, PERMIT No. 01-5010199, Fine, R.

Robert Fine was present for Espirito Santo Plaza.

A motion was made by Enrique Salvador to grant a **90-day extension**. Gregory Pierce seconded the motion.
The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#4 – TCO EXTENSION, PERMIT No. 02-5016046, Fine, R.

Robert Fine was present for Espirito Santo Plaza.

A motion was made by Richard Horton to grant a **90-day extension**. Gregory Pierce seconded the motion.
The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#5 – TCO EXTENSION, PERMIT No. BCO2135, BCO2136, BCO3158, Besu, S.

Suzanne Besu was present on behalf of Blue and Green Diamond Master Condominium Association.

A motion was made by Gregory Pierce to grant a **30-day extension** as recommended by the Building Official.
Enrique Salvador seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for September 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval New Certification** for **2007**.

INSPECTOR:

Cabrera, Lazaro R.

Alvarez, Ibrahim

Avalos, Adrian

Bacchus, Lancelot N.

REPRESENTING:

Miami-Dade County

City of Miami Beach

City of Miami Beach

City of Miami Beach

DISCIPLINES:

Building Inspector-Structural
(Restricted)

Plans Examiner Building

Plans Examiner Building

Plans Examiner Building

BOARD OF RULES and APPEALS
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(Continued...)

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Bertot, Carlos A.	Town of Cutler Bay	Electrical Inspector
	Village of Palmetto Bay	Electrical Inspector
Del Pino, Carlos A.	Town of Cutler Bay	Building Inspector (Structural)
Diaz, Guillermo	Town of Miami Lakes	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner Building
Dominguez, Pedro M.	City of Miami	Roofing Inspector (Commercial)
		Plans Examiner Building
Guillen, Omar P.	Town of Cutler Bay	Mechanical Inspector
Hernandez, John M.	City of Miami	Building Inspector (Structural)
Ibacahe, Jorge H.	Town of Cutler Bay	Building Inspector (Structural)
Leggett, James E.	City of Miami Beach	Plans Examiner Building
Merced, Eric	Town of Miami Lakes	Electrical Inspector
		Plans Examiner Electrical
		(Residential)
Mojicar, Luis F.	City of Miami Beach	Mechanical Inspector
		Plans Examiner Mechanical
		Plans Examiner Mechanical
		(Residential)
Perdigon, Gerardo A.	City of Miami	Roofing Inspector (Commercial)
Reeder, James A.	Village of Biscayne Park	Building Inspector (Structural)
		Mechanical Inspector
		Plans Examiner Building
		Plans Examiner Mechanical
Rodriguez, Jorge M.	City of Miami Gardens	Building Inspector (Structural)
Rodriguez, Luis F.	Miami-Dade County	Plans Examiner Structural
Sanchez, Ignacio E.	City of Miami	Building Inspector (Structural)
Springer, David E.	City of Florida City	Building Inspector (Structural)
Stein, Henry M.	Miami-Dade County	Mechanical Inspector
Velazquez II, Leonardo	Miami-Dade County	Building Inspector (Structural)

A motion was made by Mr. Kurzman to accept the above listed individuals for New Certification for September 2007, and

Mr. Rosner seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then mentioned that the following five individuals are being recommended for **Rejection** for **New Certification** for 2007.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Del Pino, Carlos A.	Town of Cutler Bay	Plans Examiner Building
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)

(Applicant does not have the minimum 5 years experience with the P.E. license required in Miami-Dade County Code, Chapter 8, Section 8-21(1) "A Florida Registered Professional Engineer having practiced within the area of jurisdiction of this Chapter for at least five years") (Applicant does not meet the experience requirement for Commercial and Residential Roofing Inspector as per Miami-Dade County Code, Chapter 8, Article 2, Section 8-21.2(g)(h).

Gonzalez, Andres	Town of Cutler Bay	Electrical Inspector
		Plans Examiner Electrical

(The Chief Electrical Plans Examiner shall have the power to delegate duties dealing with Electrical plans examining to subordinate Electrical Plans Examiners working under his/her authority. Such persons shall meet the same qualifications and certification as the Chief electrical Plans Examiner, 5 years under the license.)

BOARD OF RULES and APPEALS
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(Continued...)

Rejections Continued....

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Reeder, James A.	Village of Biscayne Park	Roofing Inspector (Commercial) Roofing Inspector (Residential)
(Dade County Roofing Inspector License is only valid when employed by the City of North Miami)		
Rodriguez, Jorge M.	City of Miami Gardens	Roofing Inspector (Residential)
(Applicant does not meet the experience requirement for Residential Roofing Inspector as per Miami-Dade County Code, Chapter 8, Article 2, Section 8-21.2(h)(aa)-(dd).		
Rodriguez, Jorge M.	Miami Shores Village	Roofing Inspector (Residential)
(Applicant does not meet the experience requirement for Residential Roofing Inspector as per Miami-Dade County Code, Chapter 8, Article 2, Section 8-21.2(h)(aa)-(dd).		
Schad, Michael A.	City of Miami Beach	Plans Examiner Building
(Applicant does not have the minimum 5 years experience with the P.E. license required in Miami-Dade County Code, Chapter 8, Section 8-21(1) "A Florida Registered Professional Engineer having practiced within the area of jurisdiction of this Chapter for at least five years")		

A motion was made by Mr. Salvador and seconded by Mr. Horton to **reject** the above-mentioned individuals for New Certification for **September 2007**.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Additionally, Mr. Salvador informed the Board of a **non-agenda appearance by Mr. Juan Militello to appeal the revocation of his certification for Structural Building Inspector**, due to expired provisional time of 120 days for certification via the State. Mr. Militello appeared with Juan Gutierrez, Building Official for the City of Hialeah. Mr. Militello informed the committee that he went before the Application Review Committee of the State of Florida Building Code Administrators and Inspectors Board and was approved; however, it has not been posted to their website. Mr. Salvador stated he had asked staff to contact the State to verify. Staff reported State confirmed, but advised not official until on website. Consequently, a motion was made by Salvador and seconded by Mr. Kurzman to deny Mr. Militello's certification.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INTERPRETATION: Waterproofing–Section 1519.16, Building Code Compliance Office -Michael. Goolsby

Mr. Michael Goolsby turned over the presentation for this interpretation to Kenny Everett, Roofing Code Compliance Specialist. Mr. Everett stated that Unincorporated Miami-Dade County had requested an interpretation regarding the inspections necessary for waterproofing. He then made a slide presentation illustrating the application of a waterproofing system. Mr. Everett advised the Board that, based on experience, application knowledge and observation of actual installations as well as research conducted; Staff believes two inspections are necessary for a waterproofing system. He indicated that two inspections would allow for a reasonable evaluation of a waterproofing system and is in the best interest of the public. Specifically as to the two inspections, Mr. Everett stated the first inspection should be performed during the application of the waterproofing system prior to the full concealment of the adhesion/attachment process to the deck or to the existing assembly and then a final inspection. A motion was made by Mr. Kurzman and seconded by Mr. Utterback to accept staff's recommendation of two inspections. The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES and APPEALS
Minutes of the Meeting of September 20, 2007
(Continued...)

DISCUSSION: Building Official Jurisdiction, Code Violation Identified After Certificate of Occupancy, Unincorporated Miami-Dade County and Village of Cutler Bay

Mr. Utterback moved to defer this discussion as requested by Building Code Compliance Staff. Mr. Salvador seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

NON-AGENDA ITEM: Hurricane Mitigation and Roofing Requirements

Mr. Goolsby briefed the Board members on new requirements for retrofitting buildings undergoing alterations to resist hurricane wind forces. He indicated that these new requirements would go into effect on October 1st 2007 and were intended to apply to pre Florida Building Code houses. Mr. Goolsby indicated that there are some issues that may conflict with provisions of our High Velocity Hurricane Zone sections of the Building Code and Staff will be bringing this issue before the Board for discussion and guidance.

There being no further business, the meeting was adjourned at 2:43 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF OCTOBER 18, 2007

Members Present: William Derrer, **Chairman** Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

Juan Dalla Rizza
Alfonso Fernandez-Fraga
Carmen Garcia
Jesus Gomez

Myron Rosner
Enrique Salvador
Edward Woodward
Gregory Pierce
Chief Virgil Fernandez

Members Absent: Rolando Diaz

Members Excused: Robert Barnes
Herbert Gopman
John Kurzman

Staff Present: Michael Goolsby, Acting Secretary to the Board
Eduardo W. Gonzalez, Assistant County Attorney
Yvonne D. Bell, Board Secretary
Nelly Nieves, Board Secretary

Court Reporter: Mark Chery, Official Reporting Services, LLC

The meeting commenced at 1:08 P.M.

INTRODUCTION OF NEW BOARD MEMBER

Chairman William Derrer took the opportunity to introduce new Board Member Mario Espineira, Jr. He advised the members that Mr. Espineira is filling the Homeowner's Association position. The members in unison welcomed Mr. Espineira to the Board.

MINUTES OF SEPTEMBER 20, 2007

Chairman William Derrer requested a motion to **approve** the minutes of the **September 20, 2007** meeting. A motion was made by Edward Woodward and seconded by Gregory Pierce to accept the minutes.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA NOA QUALITY ASSURANCE APPEAL

NOA APPEAL #1: NOA #03-0829.04, Combo Window Shutters, Inc., Appeal of Notice of Removal

Chairman William Derrer informed the members that at the request of the appellant the above-mentioned NOA Appeal has been **deferred** to the November 15 BORA meeting.

TCO/TCC APPEALS

#1 – TCO EXTENSION, PERMIT No. 2003039342, Gonzalez, Juan A.

#2 – TCO EXTENSION, PERMIT No. 2003039343, Gonzalez, Juan A.

#3 – TCO EXTENSION, PERMIT No. 2003039344, Gonzalez, Juan A.

Chairman William Derrer further informed the members that the three (3) above-mentioned TCO extensions for the Miami International Airport have been **withdrawn** at the request of the appellant.

INTERPRETATION: Hurricane Mitigation Manual – Michael Goolsby, Building Code Compliance Office

Mr. Goolsby provided the members with background details for this item. He stated that although the Rule has not been filed and the County Attorney's Office has advised that the requirements cannot be implemented until that time. The Board should provide interpretive guidance on the aspects of these Hurricane Mitigation requirements in preparation for interpretation.

Mr. Pierce commented on the mechanics of the issue and recommended that they review Broward County, Board of Rules and Appeals' accepted recommendations. He suggested the Board provide clear guidance on how to administer these areas of concern. The Chairman asked Mr. Pierce to read into the record the five (5) outlined areas of concern in order to determine how to apply provisions. Mr. Pierce read the motions and discussion by interested parties followed after which the Board voted as follows:

Motion #1 - Townhouses and duplexes are not included under the definition of "site built single family residential structures".

A motion was made by Gregory Pierce and seconded by Chief Virgil Fernandez.
The motion **carried** by a vote of 12-1 with Mr. Utterback opposing.
(For a verbatim version of the aforementioned item, refer to the transcript.)

Motion #2 - Approved continuous roof systems comply with the requirements contained in the Hurricane Mitigation Manual regarding secondary water barriers. No additional secondary water barrier or underlayment shall be required. Roof sheathing shall be attached in compliance with the Florida Building Code, Florida Statute 553.844 and the Hurricane Mitigation Retrofit Manual. The Building Official shall not be required to inspect the re-nailing of the sheathing.

A motion was made by Gregory Pierce and seconded by Richard Horton.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

Motion #3 - The approved tile underlayment systems contained in the Florida Building Code, comply with the requirements contained in the Hurricane Mitigation Manual regarding secondary water barriers. No additional secondary water barrier or underlayment shall be required. Roof sheathing shall be attached in compliance with the Florida Building Code, Florida Statute 553.844 and the Hurricane Mitigation Retrofit Manual. The Building Official shall not be required to inspect the re-nailing of the sheathing.

A motion was made by Gregory Pierce and seconded by Chief Virgil Fernandez.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

Motion #4 - For roof systems other than continuous or tile, the roofing contractor shall provide a signed and notarized affidavit attesting that the roof deck attachment and the secondary water barrier are in compliance with the Florida Building Code, Florida Statute 553.844 and the Hurricane Mitigation Retrofit Manual.

A motion was made by Gregory Pierce and seconded by Chief Virgil Fernandez.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

Motion #5 - Shingle roof systems utilizing an approved underlayment installed under an approved self-adhering modified bitumen membrane, constitutes both the secondary water barrier and the underlayment. No additional secondary water barrier or underlayment shall be required. The drip edge, valley and other metal flashings are to be installed over the self-adhering membrane.

A motion was made by Gregory Pierce and seconded by Jesus Gomez.
The motion **carried unanimously**.
(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES and APPEALS
Minutes of the Meeting of October 18, 2007

(Continued...)

DISCUSSION: Electronic Submittal of Permit Plans – Alfonso Fernandez-Fraga

Alfonso Fernandez-Fraga made this presentation and excused himself from voting on this issue. Mr. Fernandez-Fraga informed the Board of an “Affidavit of Identical Documents” requirement he experienced with the City of Doral and was requesting the Board’s interpretation on this matter. He informed that the Board of Professional Engineers has only two methods for submitting plans for permit and this “Affidavit” is not part of it. Mr. Fernandez-Fraga described the two methods an engineer may use to submit plans for permits. Further, he stated it is the engineer’s prerogative to select the methodology and not the authority.

Sergio Ascunce, Building Official, City of Doral remarked that he created the affidavit in an effort to catch up with others on electronic processing and the digital way of the future. Further, he stated the purpose of the Affidavit is for making certain that the hard copy and electronic copy are identical in an attempt to reduce paper, which is cumbersome and often times heavy. He advised that they distribute the electronic version to all the reviewers providing for a more efficient and faster review turn-around.

Thomas Marko, Development Coordinator, Unincorporated Miami Dade County, addressed the Board on this issue stating it is the desire of the County Manager to promote the trend of electronic and paperless processing. Consequently, Miami-Dade County supports the City of Doral.

After some discussion and a reading of the Code section on this issue, a motion was made by Chief Virgilio Fernandez to abide by the Code which does not make electronically sealed drawings mandatory nor does it require referenced Affidavit as requested by the City of Doral. The motion was seconded by Mr. Horton. The motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for October 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval New Certification for 2007**.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Ardila, John	City of Miami Beach	Electrical Inspector
Cuello, Alejandro G.	Miami-Dade County	Building Inspector (Structural)
Diaz, Guillermo	City of Miami Gardens	Plans Examiner Building
Dube Jr., Lionel E.	City of Homestead	Building Inspector (Structural)
		Roofing Inspector (Residential)
Hunton, Larry V.	Miami-Dade County	Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Lanza, Carlos	City of Sweetwater	Building Inspector (Structural)
		Plans Examiner Building
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
O'Donnell, William R.	City of Miami Beach	Building Inspector (Structural)
Rousseau, Jose M.	City of Miami Gardens	Plan Examiner Building
		Roofing Inspector (Commercial)
Triana, Adrian	Miami-Dade County	Building Inspector (Structural)

A motion was made by Mr. Salvador to accept the above listed individuals for New Certification for **October 2007**, and Mr. Pierce seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

BOARD OF RULES and APPEALS
Minutes of the Meeting of October 18, 2007

(Continued...)

Mr. Salvador then mentioned that the following five individuals are being recommended for **Rejection** for **New Certification** for 2007.

INSPECTOR:

Saez, Jose A.

REPRESENTING:

City of North Miami Beach

DISCIPLINES:

Chief Mechanical Inspector
Plans Examiner Mechanical

(Applicant does not hold a General Mechanical License or Certificate as required by Chapter 8).

A motion was made by Mr. Salvador and seconded by Mr. Pierce to **reject** the above-mentioned individual for New Certification for **October 2007**.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INFORMATION: Michael Goolsby, Building Code Compliance Office

Mr. Goolsby advised the members that the ordinance passed granting the Board of Rules and Appeal authority to rule on permit(s) obtained by an Illegally Licensed Contractor which have not been transferred over to a legally licensed contractor.

There being no further business, the meeting was adjourned at 3:10 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF NOVEMBER 15, 2007

Members Present: William Derrer, **Chairman** Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes	Herbert Gopman, P.E.
Juan Dalla Rizza, P.E.	John Kurzman
Rolando Diaz, P.E.	Gregory Pierce
Chief Virgil Fernandez	Enrique Salvador
Alfonso Fernandez-Fraga	Edward Woodward
Jesus Gomez	

Members Excused: Mario R. Espineira, Jr.; Carmen Garcia; Myron Rosner

Staff Present: Michael Goolsby, Acting Secretary to the Board
Oren Rosenthal, Assistant County Attorney
Yvonne D. Bell, Board Secretary
Nelly Nieves, Board Secretary

Court Reporter: Elaine Dahan, Official Reporting Services, LLC

The meeting commenced at 1:10 P.M.

MINUTES OF OCTOBER 18, 2007

Chairman William Derrer requested a motion to **approve** the minutes of the **October 18, 2007** meeting. A motion was made by Edward Woodward and seconded by Rolando Diaz to accept the minutes.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Biscayne Construction Company, 6991 N.W. 51 Street, Permit #2006-080594, Insulation Energy Code 1979

Mr. Derrer informed the Board that the appellant requested that this appeal be **withdrawn** from the November 15th, 2007 hearing. (Letter indicating withdrawal on file.)

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami, Civic Construction Co., Inc., Grove Gate Townhomes, Permit #04-5009372, Curved Standing Seam Roofing/Pitch

Board member Rolando Diaz recused himself from this appeal and left the room.

Mr. Kenny Everett, Code Compliance Roofing Specialist, addressed the Board on this item and indicated that this roof has failed inspection six times. Further, Mr. Everett informed the Board that this is a curved roof without product approval.

Appellant William Real of Civic Construction Co., Inc. arrived after discussion began.

When members inquired about the roofing contractor, Mr. Real informed the Board that if they can defer this matter he would return with his roofer, Metal Roofing Inc. Additionally, Mr. Real stated there were two roofers on this project; one for the flat roof on the back and one for the curved roof in front.

Building Official Jose Ferras advised the Board that this roof did not pass tin cap inspection. Additionally, Mr. Ferras stated there is nothing in the Code that contemplates a curved roof design.

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APPEAL #2 continues...

Michael Goolsby indicated that the Board requested that these roofs cases be heard on an individual basis to evaluate the specifics and any product approval requirements.

Mr. Gregory Pierce commented this should go back to the Building Department for resolution and be evaluated to see whether roof has secondary waterproofing application. The appellant responded to Mr. Pierce stating there is none.

After some discussion and deliberation, a motion was made by Thomas Utterback to deny. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA NOA QUALITY ASSURANCE APPEAL - RECONSIDERATION

NOA APPEAL #1: NOA #03-0829.04, Combo Window Shutters, Inc., Appeal of Notice of Removal

A motion was made, seconded and carried to hear the appeal as a reconsideration due to appellant's absence at the September 20, 2007 meeting on this matter.

Mr. Robert J. Van Der Wall, P.A., representing Combo Window Shutters, addressed the Board stating that the indicated reason for product removal originally was due to Combo Window Shutters being out of business. He indicated that this was not true and, therefore, the basis under which the Notice of Acceptance (NOA) was to be removed was false. Mr. Van Der Wall informed the Board that Combo Window Shutters acquired the NOA for the product they make and provide a product, which is in compliance and safe. Further, he stated that the existence of a contractual obligation dispute with Hi-Tech Association is irrelevant to public safety issue of the product.

Mr. Rudy Diaz, Hi-Tech Association, advised the Board that the request for removal was the result of Combo Window Shutters no longer a member in good standing with the Association.

Mr. Jamie Gascon, Chief of Product Control Division, was questioned by the Board on this matter. Mr. Gascon informed the Board that the action to remove the NOA was two-fold: first, on the basis of the release letter from Hi-Tech Association stating Comb Window Shutters no longer a member of the Association, which was a condition of the approval. Secondly, to stop Combo Window Shutters from applying under the auspices of the Association.

After further discussion, a motion was then made by Rolando Diaz to deny. The motion was seconded by Enrique Salvador.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 – TCO EXTENSION, PERMIT No. 2003017623, Arteaga, Juan Carlos

Mr. Juan Gonzalez was present for Miami-Dade Aviation Dept.

A motion was made by Enrique Salvador to accept the Building Official's recommendation to grant 90-days TCO extension. Edward Woodward seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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TCO/TCC APPEALS continues...

#2 – TCO EXTENSION, PERMIT No. 2005019389, Timothy, Anthony

Mr. Anthony Timothy was present for Miami International Airport Hotel.

A motion was made by Edward Woodward to accept the Building Official's recommendation to grant 90-days TCO extension. Thomas Utterback seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#3 – TCO EXTENSION, PERMIT No. 2003028830, Gonzalez, Juan

Mr. Juan Gonzalez was present for Miami-Dade Aviation Dept.

A motion was made by Enrique Salvador to accept the Building Official's recommendation to grant 90-days TCO extension. Rolando Diaz seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INTERPRETATION #1: Interpretation of FBC Section 109, Delegation/Accountability of Firestopping Inspections – Pete Quintela

Pete Quintela, Code Compliance Specialist, stated that guidance from the Board was sought as to who should be inspecting the firestopping penetration. He indicated in some instances there is an assumption this inspection is being conducted when actually it is not being performed.

Several Building Officials commented on this issue giving the process used in their Building Department, which varies from municipality and Building Official. In some cities, the Building Official indicated that they require the trades (plumbing, mechanical and electrical) to do their own inspection while others leave it to the building inspector at the time of final inspection. Other Building Official stated they hire an outside source to do the fire penetration inspection.

Eduardo Fernandez, Code Compliance Specialist, addressed the Board indicating this is a life safety issue and his experience with the Fire Department is they want to be sure firestopping penetration exist at the site.

After discussion and deliberation, a motion was made by Thomas Utterback that the trades (plumbing, mechanical and electrical) inspect at rough; the Building Inspector inspects at final; and the permit card must include a signature line for each inspection. The motion was seconded by Enrique Salvador.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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REPORT #1: Certification Subcommittee Report for November 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval New Certification** for **2007**.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Bruhn, Norman J.	Town of Surfside	Building Inspector (Structural) Building Official Chief Building Inspector Plans Examiner Building Mechanical Inspector Plans Examiner Mechanical Mechanical Inspector Mechanical Inspector Mechanical Inspector Plans Examiner Plumbing Plumbing Inspector Building Inspector (Structural) Plans Examiner Building Plans Examiner Structural Building Inspector (Structural) Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential) Mechanical Inspector Building Inspector (Structural) Plans Examiner Building Building Inspector (Structural) Plans Examiner Building Mechanical Inspector Roofing Inspector (Commercial) Roofing Inspector (Residential) Building Inspector Structural Building Inspector (Structural) Plans Examiner Building
Good, William A.	City of North Miami	
Guillen, Omar P.	City of Aventura Village of El Portal	
Hernandez, Orlando R. Hernandez, Rafael	Village of El Portal City of North Miami	
Lapica, Juan E.	City of North Miami	
Meza, Javier A. Naranjo, Ismael	City of Miami Town of Miami Lakes	
Oliver, Sheila S. Peña, Michel F. Rodriguez, Jorge M. Rosenkoff, Gilbert	City of North Miami City of Miami Beach City of Miami Gardens City of North Miami Beach	
Saez, Jose A. Scull, Ignacio G.	City of North Miami Beach City of Miami Gardens	
Vazquez, Eduardo Wagoner, Peter R.	City of Sunny Isles Beach City of North Miami Beach	

A motion was made by Mr. Kurzman to accept the above listed individuals for New Certification for **November 2007**, and Mr. Salvador seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then mentioned that the following five individuals are being recommended for **Rejection** for **New Certification** for 2007.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Bruhn, Norman J.	Town of Surfside	Roofing Inspector (Commercial) Roofing Inspector (Residential)

(Applicant does not have a Roofing license as required by Code of Miami-Dade County, Florida, Ordinance No. 07-79, enacted June 5, 2007, Section 8-21.2(g) & (h).

Grande, Claudio H.	Miami Shores Village	Roofing Inspector (Commercial)
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(Applicant does not meet the Commercial Roofing Inspector licensing requirements as per Miami-Dade County Code, Chapter 8-21.2(4)(c)(cc)(1), and his State GC license number is after 7837 cut off).

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REPORT #1: Certification Subcommittee Report for November 2007 continued...

INSPECTOR:

Oliver, Sheila S.

(Applicant does not have the required 5 years experience as a General Mechanical Master in compliance with Chapter 8).

REPRESENTING:

City of North Miami

DISCIPLINES:

Plans Examiner Mechanical
Plans Examiner Mechanical (Res)

Torres, Luis

City of Miami

Plans Examiner Building

(Applicant does not have the required 5 years experience as a General Contractor in compliance with Chapter 8, Section 8-21.2).

Mr. Claudio Grande, applicant for Roofing Inspector (Commercial) for Miami Shores Village, appeared to address the Board on his situation. Ms. Sheila Oliver, applicant for Mechanical Plans Examiner for the City of North Miami, appeared to address the Board as well on her situation.

After the applicants' presentation, the Board acknowledged the experience held by both applicants but stated they must adhere to Chapter 8. The Board, however, recognized a need to amend Chapter 8 to allow the Board discretion based on an applicant experience.

A motion was made, seconded and carried to amend Chapter 8 as discussed. In addition, a motion was made by Enrique Salvador to deny the referenced applicants as recommended by the Subcommittee. The applicants, Mr. Grande and Ms. Oliver, on the recommendation of the Board, withdrew their application in the hope future amendment of Chapter 8 would give them another opportunity. Mr. Salvador withdrew his motion.

A motion was made by Mr. Salvador and seconded by Mr. Pierce to **reject** Norman Bruhn but **approve** Luis Torres for New Certification for **November 2007** as recommended by the subcommittee.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INTERPRETATION #2: Hurricane Mitigation Roof to Wall Connections

Mr. Michael Goolsby referred the Board members to their copy of the Hurricane Mitigation Manual. The Board heard, acknowledged and voted on four points as follows:

- *The 15% limitation on enhancing roof to wall connections includes the cost of investigation, reports, permits and shop drawings, etc. as well as the necessary retrofits.*

A motion was made by Gregory Pierce and seconded by John Kurzman to accept.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

- *In addition to the removal of sheathing described in the prescriptive retrofit solutions, other on site inspection methods may be employed to provide a visual examination of the roof to wall connections for verification of rafter/truss anchorage.*

A motion was made by Gregory Pierce and seconded by Enrique Salvador to accept.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

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INTERPRETATION #2: Hurricane Mitigation Roof to Wall Connections continued...

- *If original plans, on file, show compliance with the mitigation uplift capacities for the roof to wall connections and the structure was inspected and finalized, the structure is exempt from on-site investigation and retrofit.*

A motion was made by Gregory Pierce and seconded by John Kurzman to accept.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

- *If a roof section is replaced, the requirement for a secondary water barrier, any necessary reroofing of the sheathing and any required enhancement of the roof to wall connections only applies to that specific roof section.*

A motion was made by Gregory Pierce and seconded by John Kurzman to accept.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INFORMATION

Mr. Salvador acknowledged the retirement of Rene Fraga, (ADA) Code Compliance Specialist. The Board, in unison, wished him well and encouraged him to enjoy his retirement.

There being no further business, the meeting was adjourned at 3:20 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF DECEMBER 13, 2007

Members Present: William Derrer, **Chairman** Richard Horton, **Vice-Chairman**
Thomas Utterback, **Sergeant at Arms**

J. Robert Barnes	Herbert Gopman, P.E.
Juan Dalla Rizza, P.E.	Enrique Salvador
Rolando Diaz, P.E.	Edward Woodward
Alfonso Fernandez-Fraga, P.E.	

Member Excused: Mario R. Espineira, Jr.

Members Absent: Chief Virgil Fernandez; Carmen Garcia; Jesus Gomez;
John Kurzman; Gregory Pierce; Myron Rosner

Staff Present: Michael Goolsby, Acting Secretary to the Board
Eduardo Gonzalez, Assistant County Attorney
Yvonne D. Bell, Board Secretary
Nelly Nieves, Board Secretary

Court Reporter: Barbara Kaplan, Official Reporting Services, LLC

The meeting commenced at 1:18 P.M.

MINUTES OF NOVEMBER 15, 2007

Chairman William Derrer requested a motion to **approve** the minutes of the **November 15, 2007** meeting. A motion was made by Edward Woodward and seconded by Rolando Diaz to accept the minutes.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Micheal Goolsby informed the Board of the following:

- July 2007 Karen Kalman Ramp Case, City of Miami Beach, appeal heard by this Board was further appealed to the Florida Building Commission and resulted in a binding interpretation consistent with the Board's previous ruling.
- The Florida Building Commission voted to approve the Coastal Code Plus recommendations. The coastal Code Plus requirements are applicable around the entire State within 2500 feet of the coast. The use of the High Velocity Hurricane Zone provisions regarding, wind borne debris and impact resistance, are mandated statewide. Additionally, buildings within 2500 feet of the coast must be designed for a 500-year storm.

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Marriott Dolphin Mall Project, 11201 NW 12TH Street, Permit #2006-131372, Removal of Capri Engineering, Threshold Inspector

Mr. Vincent Vaccarella, representing Capri Engineering, ("Capri") addressed the Board and informed them that he was accompanied by Mr. Gary Elzweig, the Threshold Inspector on this appeal for this project. Mr. Vaccarella advised the Board that Capri was retained as Threshold Inspector for referenced project pursuant to FSS 553.79 (5)(a) and performed its task from February 23, 2007 through October 12, 2007. Mr. Vaccarella went on to present the facts on this matter with a chronology of events up to the point of dismissal of the Threshold Inspector by the Building Official in October 2007. Mr. Vaccarella stated that the dates are important

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APPEAL #1 continues...

to consider in a determination of the Building Official's actions of this case. A reference was made to a meeting held on September 28, 2007, involving the County, the Contractor and Capri to discuss the submittal of shop drawings by the Contractor for the precast floor slabs. Mr. Vaccarella stated that, at the time of the meeting, the shop drawings had been approved by the Contractor, Architect and Engineer of record, and the precast slabs had already been installed by the Contractor and inspected by Capri pursuant to the special inspection plan. He indicated, however, that the Building Department asked the Contractor to submit the shop drawings for approval by the County, which was done on October 17, 2007 and approved on October 19, 2007. In addition, Mr. Vaccarella commented he finds nothing that states that these shop drawings have to be approved by the County.

Mr. Rolando Diaz remarked that he believed the Building Official has the authority to remove a Threshold Inspector, because the Code is clear that the "special inspector shall be responsible to the enforcement agency".

Mr. Charles Danger, Building Official for Unincorporated Dade County, addressed the Board and began his presentation with remarks about safety and reminded the members of the Dadeland Station which resulted in faulty construction in part due to lack of appropriate oversight by the Building Official and Engineers.

After much discussion and deliberation, wherein the nature of the appeal became a concern, Mr. Vaccarella stated that they were withdrawing that portion of the appeal narrative, as to whether the Building Official has the authority to remove a Threshold Inspector. He then stated that this was no longer their primary argument, but in fact, whether the Building Official had sufficient and appropriate grounds to remove the Threshold Inspector was the second basis of their appeal.

Mr. Eduardo Gonzalez, the Assistant County Attorney, stated this appeal appears to be two-fold and while the appellant has withdrawn the issue of Building Official's authority, the members need to look at the reason(s) for removal.

Mr. Michael Goolsby, Chief of the Code Compliance Division, stated that staff's opinion was based on research as to Building Official's authority to remove a Threshold Inspector. He indicated that Staff's opinion supported the Building Official's authority to do so based on FBC Section 109.3.6.3.

The Building Official Charles Danger stated he was not prepared to address the specifics of the second argument raised by the appellant without his staff present and requested a continuance. After some discussion and consideration, a motion was made by Thomas Utterback to grant his request for continuance to the next meeting of the Board. The motion was seconded by Rolando Diaz.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 2020 Ponce De Leon, Permit #07020373, Fire Sprinkler Water Curtain Deluge System

Mr. Robin Hale, the Architect of Record, made a presentation to Board members using a floor plan and photographs of the referenced property, which are Office Condominiums. Their request to the City of Coral Gables Building Official was to allow a fire sprinkler water curtain deluge system for windows with less than a 15'0" setback to the north property line. He remarked that they were denied without reference to a specific Code. Mr. Hale informed the Board that the Building Official was provided with Underwriters Laboratories ("UL") approvals and test results for a two-hour exposure for the fire sprinklers specifically designed to be utilized in a water curtain deluge system. Mr. Hale requested that they be allowed the use of the proposed sprinklers and water curtain in lieu of fire shutters given this information.

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APPEAL #2 continues...

Building Official Manual Lopez advised the Board that he spoke with Underwriters Laboratories in his research and is not comfortable with this design. Further, he stated that he could not locate referenced language that sprinkler heads provide the equivalent to two-hours". Mr. Lopez commented the designer has not provided a Section of the Florida Building Code, which allows the deluge system.

Mr. Kevin Carrier, Code Compliance Fire Specialist, addressed the Board and stated that he was unable to prepare a written staff opinion given that what the appellant submission states and what the plans show are different. Additionally, he stated that the appellant's property was permitted under the 2001 Code, but it appears they are trying to apply the 2004 Code. Further, Mr. Carrier commented that the sprinkler heads identified are UL approved in Canada but not in the United States.

After much discussion and deliberation, a motion was made by Salvador Enrique to deny the appeal. The motion was seconded by Edward Woodward.

The **motion carried by a vote of 8-2** with Herbert Gopman and Alfonso Fernandez-Fraga opposing.
(For a verbatim version of the aforementioned item, refer to the transcript.)

TCO/TCC APPEALS

#1 – TCO EXTENSION, PERMIT No. 01-5010199, R. Fine

Patrick Range from Greenberg Traurig, P. A., was present for Espirito Santo Plaza.

A motion was made by Salvador Enrique to accept the Building Official's recommendation to grant 90-days TCO extension. Edward Woodward seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

#2 – TCO EXTENSION, PERMIT No. 02-5016046, R. Fine

Patrick Range from Greenberg Traurig, P. A., was present for Espirito Santo Plaza

A motion was made by Salvador Enrique to accept the Building Official's recommendation to grant 90-days TCO extension. Edward Woodward seconded the motion

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INTERPRETATION #1: Interpretation of 2004 FBC Section 106.1, Submittal Documents, Electronic Submittal of Plans; Sergio Ascunce

Mr. John Hearn, Attorney for the City of Doral, appeared to address the Board on this item. He advised that this matter was not consistent with the procedural requirements of Article 1, Chapter 8, of the Miami-Dade Building Code. Mr. Hearn stated this matter was brought before the Board inappropriately by a member of the Board, and considered that a conflict. Mr. Hearn felt the Board member should recuse himself from this matter and not participate in the interpretation.

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INTERPRETATION # 1 continues...

After some discussion on this aspect of the issue, Assistant County Attorney Eduardo Gonzalez advised that the member was not in conflict and he could in fact remain for discussions on this item.

Mr. Sergio Ascunce, Building Official for the City of Doral, stated that a formal interpretation took place at the October 18, 2007 meeting on the referenced item as a discussion. Mr. Ascunce advised that he did not expect formal action to be taken on a discussion item and was not fully prepared to defend the City's policy of an electronic copy of plans in addition to the paper submission.

The Chairman, William Derrer, advised Mr. Ascunce that it is proper for the Board to vote on a discussion item.

The Board allowed Mr. Ascunce the opportunity to outline his position wherein he referenced Section 106.1.1 of the 2004 Florida Building Code as giving him the authority to make such request. Mr. Ascunce went on to explain their process for plan review and the benefit of the electronic copy.

Mr. Alfonso Fernandez-Fraga stated his position and referred to an "Affidavit" certifying the copy, which was also requested along with the electronic copy. Mr. Fernandez-Fraga stated that this request was not in compliance with the Board of Professional Engineers standards.

After discussion and deliberation, a motion was made by Thomas Utterback to uphold the prior ruling of October 18, 2007. The motion was seconded by Rolando Diaz.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #1: Certification Subcommittee Report for December 2007

Enrique Salvador indicated that the following individuals are being recommended for **approval** for **New Certification** for 2007.

INSPECTOR:	REPRESENTING:	DISCIPLINES:
Castrodad, Eladio	City of Sweetwater	Plans Examiner Building Plans Examiner Structural
Garcia, Dario C.	City of Miami Beach	Electrical Inspector
Guzman, Enrique I.	City of North Bay Village City of North Miami	Electrical Inspector Electrical Inspector Electrical Plans Examiner
Hernandez, Orlando R.	City of North Bay Village	Mechanical Inspector
Ibacache, Jorge H.	City of Aventura	Building Inspector (Structural)
Kramen, Alan R.	Bay Harbor Islands	Electrical Inspector Plans Examiner Electrical
Lanza, Carlos	City of Sweetwater	Building Official
Marquez, Elier J.	City of Miami Beach	Electrical Inspector

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REPORT # 1 continues...

Parker, Clayton L.	Bay Harbor Islands	Building Inspector (Structural) Plans Examiner Building
Perez, Jan Pierre	City of North Bay Village	Mechanical Inspector
Saymon, Burt J.	Town of Cutler Bay	Chief Mechanical Inspector
Villarreal, Andres R.	City of North Bay Village	Building Inspector (Structural)
Whiteman, William E.	City of Sunny Isles Beach	Chief Building Inspector

A motion was made by Salvador Enrique to accept the listed individuals for New Certification for December 2007 and Rolando Diaz seconded the motion.

The motion **carried unanimously**.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INFORMATION: 2008 DATES - BOARD OF RULES and APPEALS

The members accepted and acknowledged the 2008 meeting dates for the Board of Rules and Appeals regular Board meeting dates and the Board of Rules and Appeals Probable Cause and Formal Hearings meeting dates.

There being no further business, the meeting was adjourned at 4:00 P.M.